

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*The information called for by a resolution of the Senate, in relation to the claim of the owners of the brig General Armstrong against the government of Portugal.*

DECEMBER 16, 1845.

Read, referred to the Committee on Foreign Relations, and ordered to be printed.

*To the Senate of the United States :*

I herewith transmit a report from the Secretary of State, containing the information called for by a resolution of the Senate of the 8th of January last, in relation to the claim of the owners of the brig General Armstrong against the government of Portugal.

JAMES K. POLK.

WASHINGTON, *December 15, 1845.*

DEPARTMENT OF STATE,

*Washington, 11th December, 1845.*

The Secretary of State, to whom has been referred the resolution of the Senate of the United States of the 8th of January last, requesting the President "to cause to be communicated to the Senate copies of all the correspondence, evidence, and papers on file in the State Department, in the case of the brig General Armstrong, against the government of Portugal; and to communicate to the Senate the causes which have retarded an adjustment of the said claim, and of the proceedings still in progress to effect the object," has the honor to report to the President the accompanying papers, which will be found to contain all the information called for by the resolution.

Respectfully submitted.

JAMES BUCHANAN.

*To the PRESIDENT OF THE UNITED STATES.*

## LIST OF ACCOMPANYING PAPERS.

- Mr. Dabney to the Governor of Fayal, September 30, 1814, including Captain Reid's protest, and disbursements and port charges.  
 Mr. Dabney to Mr. Sumter,\* October 6, 1814.  
 Messrs. Jenkins & Havens to Mr. Monroe, December 19, 1814.  
 Mr. Sumter to the Marquis de Aguiar, (Extract,) January 1, 1815.  
 Mr. Monroe to Mr. Sumter, January 3, 1815.  
 Mr. Sumter to ministers of the United States in Europe, (Extract, with enclosures,) January 8, 1815.  
 Mr. Sumter to Mr. Monroe, (Extract,) December 8, 1815.  
 Mr. McLane to Captain Reid, June 2, 1834.  
 Mr. Dickins to Mr. Kavanagh, (Extract,) May 20, 1835.  
 Mr. Forsyth to Captain Reid, May 26, 1835.  
 Captain Reid to Mr. Forsyth, September 10, 1835.  
 Mr. Forsyth to Captain Reid, September 15, 1835.  
 Captain Reid to Mr. Forsyth, September 18, 1835.  
 Mr. Forsyth to Captain Reid, September 21, 1835.  
 Captain Reid to Mr. Forsyth, October 19, 1835.  
 Mr. Forsyth to Mr. Kavanagh, October 22, 1835.  
 Mr. Forsyth to Captain Reid, October 23, 1835.  
 Mr. Kavanagh to Mr. Forsyth, (Extract,) December 28, 1835.  
 Mr. Kavanagh to Mr. Forsyth, (Extract,) January 30, 1836.  
 Mr. Forsyth to Mr. Kavanagh, July 2, 1836.  
 Mr. Kavanagh to Mr. Forsyth, (Extracts,) July 9, 1836.  
 Mr. Forsyth to Mr. Kavanagh, (Extract,) September 21, 1836.  
 Mr. Kavanagh to Mr. Forsyth, (Extract,) November 29, 1836.  
 Mr. Kavanagh to Mr. Forsyth, (Extract,) December 26, 1836.  
 Mr. Kavanagh to Mr. Forsyth, (Extract, with enclosure C,) March 3, 1837.  
 Mr. Kavanagh to Mr. Forsyth, (Extract,) March 18, 1837.  
 Mr. Kavanagh to Mr. Forsyth, (Extract,) May 24, 1837.  
 Mr. Kavanagh to Mr. Forsyth, (Extract,) September 4, 1837.  
 Mr. Kavanagh to Mr. Forsyth, (Extract,) November 11, 1837.  
 Mr. Kavanagh to Mr. Forsyth, (Extracts,) April 6, 1838.  
 Samuel C. Reid, jr. to President Van Buren, March 29, 1840.  
 Mr. Forsyth to Samuel C. Reid, jr., April 14, 1840.  
 Captain Reid to Mr. Webster, June 12, 1841.  
 Samuel C. Reid, jr. to Mr. Webster, November 10, 1841.  
 Samuel C. Reid, jr. to Mr. Webster, January 12, 1842.  
 Mr. Webster to Mr. Barrow, (Extract,) January 15, 1842.  
 Mr. Webster to Samuel C. Reid, jr., February 1, 1842.  
 Mr. Barrow to Mr. Webster, (with enclosures,) June 10, 1842.  
 Mr. Webster to Mr. Barrow, (Extract,) August 18, 1842.  
 Samuel C. Reid, jr. to Mr. Webster, August 22, 1842.  
 Mr. F. Webster to S. C. Reid, jr., September 6, 1842.  
 Samuel C. Reid jr. to Mr. F. Webster, November 2, 1842.

\* For a letter from Mr. Dabney, United States consul at Fayal, to the Secretary of State of the United States, dated Fayal, 5th October, 1814, see American State Papers, volume Naval Affairs, page 494; and another from Captain Reid, detailing the loss of the "General Armstrong," dated October 14, 1814, see page 495, accompanying the memorial of Captain Reid to Congress in the year 1818.



Mr. Barrow to Mr. Webster, (Extract, with enclosure A,) Nov. 15, 1842.  
 Mr. Webster to Samuel C. Reid, December 5, 1842.  
 Samuel C. Reid, jr. to Mr. Webster, December 20, 1842.  
 Mr. Barrow to Mr. Webster, (Extract, with enclosures,) Feb. 20, 1843.  
 Mr. Barrow, to Mr. Webster, (Extract,) March 20, 1843.  
 Samuel C. Reid, jr. to Mr. Webster, May 3, 1843.  
 Mr. Legaré to Samuel C. Reid, jr., May 17, 1843.  
 Mr. Barrow to Mr. Upshur, (Extract, with enclosures,) Sept. 16, 1843.  
 Samuel C. Reid, jr. to Mr. Upshur, November 24, 1843.  
 Mr. Upshur to Samuel C. Reid, jr., November 26, 1843.  
 Samuel C. Reid, jr. to Mr. Upshur, December 15, 1843.  
 Mr. Upshur to Samuel C. Reid, jr., January 10, 1844.  
 Samuel C. Reid, jr. to Mr. Upshur, January 29, 1844.  
 Samuel C. Reid, jr. to Mr. Calhoun, April 21, 1844.

JOHN R. DABNEY

CAPTAIN REID'S PROTEST

CONSULATE OF FAYAL, ANKOW.

By this public instrument of declaration and protest, be it known unto all persons whom it doth or may concern, that on this present day, being the twenty-seventh day of September, eighteen hundred and fourteen, before me, John R. Dabney, Consul of the United States for the Azores, personally appeared Samuel C. Reid, commander of the American armed brig General Armstrong of New York, of two hundred and forty-six tons, Armed with cannon, etc., and on oath declared as follows, to wit: that he called in and with said brig from the port of New York, on the ninth day of September last past, well found, staunch and strong, and manned with ninety officers and men, for a cruise; that nothing material happened on the passage to this island, until the twenty-sixth instant, when she cast anchor in this port soon after twelve o'clock at noon, with a view to get a supply of fresh water; that during the said afternoon his crew were employed in taking on board water, when about sun-set of the same day, the British brig-of-war Canton, Captain Bentham, appeared suddenly doubling round the northeast point of this port. She was immediately followed by the British ship Kota, of thirty-eight guns, Captain P. Somerville, and the seventy-four gun ship Plantagenet, Captain Robert Lloyd, which latter, it is understood, commanded the squadron; they all anchored at about seven o'clock, p. m., and soon after, some suspicious movements on their part indicating an intention to violate the neutrality of the port, induced Captain Reid to order his brig to be warped in shore, close under the guns of the castle; that in the act of being so, four boats approached his vessel, filled with armed men. Captain Reid repeatedly hailed them, and warned them to keep off, which they disregarding, he ordered his men to fire on them, which was done, and killed and wounded several men. The boats returned the fire, and killed one man, and wounded the

*Mr. Dabney to the Governor of Fayal, (with enclosure.)*

FAYAL, September 30, 1814.

SIR: Captain Samuel C. Reid, of the late brig General Armstrong, thinking it necessary to protest against the government of Portugal, for the loss of his vessel, has desired me to send you a copy of the protest, which I have now the honor to do.

Relying on the well-known justice and magnanimity of his royal highness the Prince Regent of Portugal, Captain Reid cannot doubt, when a regular representation is made by the American government to the court of Portugal, of this unparalleled outrage on the part of the British ships now here, that the owners, officers, and crew of the said brig will receive ample indemnification for the immense loss they have severally sustained.

I have the honor to be, &c. &c.,

JOHN B. DABNEY.

To his Excellency ELIAS JOSE RIBIERO,  
Governor of Fayal.

#### CAPTAIN REID'S PROTEST.

#### CONSULATE OF FAYAL, AZORES.

By this public instrument of declaration and protest, be it known unto all persons whom it doth or may concern, that on this present day, being the twenty-seventh day of September, eighteen hundred and fourteen, before me, John B. Dabney, Consul of the United States for the Azores, personally appeared Samuel C. Reid, commander of the American armed brig General Armstrong, of New York, of two hundred and forty-six tons, American measurement, &c., and on oath declared as follows, to wit: that he sailed in and with said brig from the port of New York, on the ninth day of September last past, well found, staunch, and strong, and manned with ninety officers and men, for a cruise; that nothing material happened on the passage to this Island, until the twenty-sixth instant, when she cast anchor in this port soon after twelve o'clock at noon, with a view to get a supply of fresh water; that during the said afternoon his crew were employed in taking on board water, when about sun-set of the same day, the British brig-of-war Carnation, Captain Bentham, appeared suddenly doubling round the northeast point of this port. She was immediately followed by the British ship Rota, of thirty-eight guns, Captain P. Somerville, and the seventy-four gun ship Plantagenet, Captain Robert Lloyd, which latter, it is understood, commanded the squadron; they all anchored about seven o'clock, p. m., and soon after, some suspicious movements on their part indicating an intention to violate the neutrality of the port, induced Captain Reid to order his brig to be warped in shore, close under the guns of the castle; that, in the act of doing so, four boats approached his vessel, filled with armed men. Captain Reid repeatedly hailed them, and warned them to keep off, which they disregarding, he ordered his men to fire on them, which was done, and killed and wounded several men. The boats returned the fire, and killed one man, and wounded the

first lieutenant; they then fled to their ships, and prepared for a second and more formidable attack. The American brig, in the meantime, was placed within half cable's length of the shore, and within half pistol shot of the castle. Soon after midnight, twelve, or, as some state, fourteen boats, supposed to contain nearly four hundred men, with small cannon, swivels, blunderbusses, and other arms, made a violent attack on said brig, when a severe conflict ensued, which lasted near forty minutes, and terminated in the total defeat and partial destruction of the boats, with an immense slaughter on the part of the British. The loss of the Americans in the actions was, one lieutenant and one seaman killed, and two lieutenants and five seamen wounded. At daybreak the brig *Carnation* was brought close in, and began a heavy cannonade on the American brig, when Captain Reid, finding further resistance unavailing, abandoned the vessel, after partially destroying her, and soon after the British set her on fire. The said Captain Reid, therefore, desires me to take his protest, as he by these presents does most solemnly protest against the said Lloyd, commander of the said squadron, and against the other commanders of the British ships engaged in this infamous attack on his said vessel, when lying in a neutral, friendly port; and the said Captain Reid also protests against the government of Portugal, for their inability to protect and defend the neutrality of this their port and harbor, as also against all and any other State or States, person or persons, whom it now doth or may concern, for all losses, costs, and damages that have arisen, or may arise, to the owners, officers, and crew of the said brig *General Armstrong*, in consequence of her destruction and the defeat of her cruise, in the manner aforesaid.

All which is sworn to be truth by the said Samuel C. Reid, Frederick A. Worth, first lieutenant, Robert Johnson, third lieutenant, Benjamin Starks, sailing master, John Brosnahan, surgeon, Robert E. Allen, captain of marines, Thomas Parsons, James Davis, Eliphalet Sheffield, and Peter Tyson, prize masters of said brig *General Armstrong*.

I, the undersigned, hereby certify that the foregoing instrument of protest is a true copy, taken from the original, deposited in my consular office. In testimony of which, I have hereunto set my hand, and affixed my official seal, this twenty-seventh day of September, eighteen hundred and fourteen.

[L. s.]

JOHN B. DABNEY.

*Disbursements and port charges of the American armed brig General Armstrong, Samuel C. Reid, commander, in this island, viz :*

To health office, soldier, and fine for not having a bill of health	8,000
Filling and putting on board six pipes of water	2,000
Six pipes for water destroyed, at 8	48,000
A man sent on board the English man-of-war, with an official letter, in the night	3,000
Two boats sent on board the brig in the night	2,600
Custom-house visit	3,900
Men employed to carry the officers' and crew's baggage	3,400
Cash to the captain	20,000
Brokerage and interpreters' fees	12,000
Sundry official papers, certificates and seals	50,000

Paid harbor master for the hire of 2 cables, carrying out the same in the night, and damage which one of them received, being cut	- - - - -	62,800
To Captain Reid's part of stores for Amelia	- - - - -	66,000
To Captain Reid, for his passage to Amelia Island	- - - - -	200,000
To stores for the officers	- - - - -	90,000
To cash to Captain Reid	- - - - -	100,000
		<hr/>
		671,760
Commission, 4 per cent	- - - - -	26,870
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		698,630
To cash to balance a bill of \$700	- - - - -	1,370
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*Reis* 700|000

Received, from Captain Samuel C. Reid, his bill at thirty days' sight, on Jenkins & Havens, New York; which, when paid, will be in full.

JOHN B. DABNEY.

FAYAL, October 22, 1814.

*Mr. Dabney to Mr. Sumter.*

FAYAL, October 6, 1814.

SIR: I think it my duty to make you fully acquainted with an affair that has recently taken place here, between some British ships-of-war and the American private armed brig General Armstrong, Samuel C. Reid, commander, compromising the neutrality and attacking the sovereignty of his Royal Highness the Prince Regent of Portugal; and I cannot do it more effectually than by putting into your possession a copy of the letter I had the honor to write to our Secretary of State on the subject, together with a copy of Captain Reid's protest, and a copy of my letter to the governor of this island, on presenting him a copy of said protest. These three documents you will find enclosed.

I have the honor to be, &c., &c.,

JNO. B. DABNEY.

To his Excellency THOMAS SUMTER,  
Minister Plenipotentiary to the Court of Portugal.

*Messrs. Jenkins and Havens to Mr. Monroe.*

NEW YORK, December 19, 1814.

SIR: Being agents for the concerned in the private armed brig General Armstrong, Samuel C. Reid, commander, lately destroyed by the enemy in the road of Fayal, and believing we have an equitable claim on the government of Portugal for the damage sustained by the loss of that

vessel, and in the hope our government will demand compensation for the damage, we take the liberty to state to you that her cost and outfits amounted to thirty thousand dollars at the time of her sailing under the command of Captain Reid; and think it our duty to enclose you herewith Captain Reid's protest at Fayal, Mr. J. B. Dabney's letter to the governor of Fayal, and his letter to his excellency Thomas Sumter, our Minister at the Court of Portugal, which document may be wanted in the Department of State. We further enclose Mr. Dabney's account of expenditures for the General Armstrong—amount, \$700—the principal of which sum being paid to furnish a passage and supplies for the crew to the United States, and trust it will be considered right for the government to refund us.

We have the honor to be, &c.,

JENKINS & HAVENS.

*From Mr. Sumter to the Marquis de Aguiar.*

[Extract—with enclosures.]

JANUARY 1, 1815.

The undersigned, minister plenipotentiary of the United States of America, has had the honor to peruse with attention the note of the 22d of this month, received from his excellency the Marquis de Aguiar, &c., &c., relating to the attack made by a British squadron upon an American cruiser lying under the guns of the fortress which protects the harbor of Fayal, together with copies of sundry documents, detailing the circumstances of that affair, received by this government from the governor of that place; and also a copy of the note addressed by this government to his Britannic Majesty's ministers residing at this court on the subject of that outrage on the sovereignty and the neutrality of the Prince Regent of Portugal.

An opportunity will soon present itself for sending these papers to the government of the United States by a cartel which is preparing to proceed thither with prisoners.

The undersigned cannot fail to be gratified, and it is presumed his government will be gratified, by the sentiments which his royal highness has been pleased to make this the occasion of repeating respecting the rights and duties of his neutrality; these sentiments, always dignified and valuable in themselves, derive additional dignity and value from the indication accompanying them of a resolution on his part to make or procure compensation to the injured Americans; to demand for and give satisfaction to his unfortunate vassals at Fayal; and to pursue, until he obtains, an ample reparation for so rude and degrading an attack upon his sovereign authority.

Should the Prince Regent fulfil, as he doubtless intends, and may fulfil, these noble anticipations prescribed by his royal justice and his offended honor, he will entitle himself and his nation to a new and distinguished claim upon the admiration and gratitude of all civilized people; none of whom have yet forgotten that they have been originally indebted to his ancestors and their people for the discoveries and examples which



led and propelled Europe into the splendid course of commerce and industry which, for three centuries past, have delivered to that quarter of the globe the dominion and enjoyment of the riches of the other three quarters. None of them can forget what they recently owe to himself and to his armies for their various exertions and sacrifices in opposing, in foiling, and overturning one of the two military tyrannies which had for twenty years disputed the right or the power of taxing, of scourging, and desolating them all, under the titles of friends or foes; none of them, in fine, will fail to perceive, in this attack upon a neutral, the defiance hurled by Britain, in the name of her mystical maritime rights, at the neutrality and the peace of all; and that it is nothing but a barren and delusive glory which they have gained in rescuing their soil from the spoiler, who gathered and consumed its fruits in their fields, unless they shall also secure the high road, and even the deserts of the ocean, from the rapacity of the surviving despot who watches and destroys, or seizes the reward of their industry, after its value has been enhanced by accumulated labor, and has become endeared to them by the flattering hopes of approaching enjoyment.

They will entertain no doubt of his success, because he will have the aid of some and the prayers of all nations; because they know it as a matter of history, that no animated prince or courageous minister of this nation ever appealed to its devotion or courage in vain, either before or since that unaccountable period of lethargy when a dereliction rather than a loss of its power in the east and west deranged its natural and rightful weight in the system of Europe; and, moreover, they will not doubt his success, because it is a matter of demonstration to all that no monarch of Portugal has, at any time, been so fortunately placed, so pressingly invited by circumstances, or so gloriously tempted, as the present one is, to demand and secure the respect and confidence and friendship of all sovereigns.

It seems to be only necessary to claim all these rights, with the spirit and confidence inspired by the circumstances of the times, and the justness of the pretension, to obtain and enjoy all of them in the fullest measure. Do not the sovereigns of the north of Europe; do not the sovereigns of the south and west of Europe, (with the exception perhaps of the houses of Brunswick and Orange, who are too much indebted to Portugal to be just or grateful to it,) identify the house of Braganza and its armies with themselves and their armies in the deliverance of Europe? Do not the sovereigns of the north, who have no colonies, see the value to their commerce, their navigation and revenues, of having a direct and safe trade to Brazil? Again; do not the sovereigns of the south and west, who have received back the feeblest and most insecure of their colonies, perceive that they must become the satellites of England in the new colonial system which she is projecting, unless the continental possessions of Portugal and Spain, in America, should be so initiated and connected in the system of general balance as to afford their colonies a chance of respect and protection? Will not all these powers see with alarm the troubled futurity with which their commerce is threatened by the projected union of the houses of Brunswick and Orange, with all their means in every sea to circumvent and defeat the enterprises of their competitors? Has any branch of the Bourbons (either that which lately wandered around Europe for an asylum, or that which found their prisons in France

and in Sicily,) forgotten what their nations and their ancestors have suffered either from the separate or connected commercial, and maritime, and colonial rapacity of England and Holland? Would they not all rejoice to see the permanent establishment of a race of Bourbons and Braganzas on this new continent? on a throne whose base is already adjusted in the centre of its dominions, which are so distributed as to face every continent, and to overshadow and protect the commerce of every sea, without having an interest in disquieting either? Would not they, would not all the world rejoice to see advanced, and concur to advance, this throne to that political, maritime, and commercial eminence so justly claimed by the descendants of Gama, of Cabral, and of Albuquerque; so justly due to its favored locality for benefitting all nations; but, above all, so indisputably and incontestably due to its peculiar and fortunate pretensions, from its possessing, at this interesting moment, the only sovereign in America endowed with the means, and capacitated in various ways, by the ties of interest and family alliances, to reknit the relaxed or broken sinews which remain to reunite the two continents of Europe and America in harmony and mutual prosperity?

Do not all these sovereigns see, can any of them mistake the fact, and especially those who, having no colonies, can make no compromise with England \* \* \* \* \* for a place in their secret system, that some of the checks and weights which are to balance and regulate the international system they are now projecting, must, by necessity, be placed for the present out of Europe, and out of the reach of England, to countervail with effect the preponderance usurped by her as a military and maritime power? And where are they to find the effective points to fix and secure these indispensable appendages to their system, unless it be in the United States, in Brazil, or in the American dominions of Spain, or in all of them?

It is perhaps a great misfortune to all parties, that the present situation of Spain and Spanish America may forbid them the attempt or hope of using the last of these three powers relatively to its value, in the new adjustment; but this unfortunate circumstance only enhances the value of the other two, or either of them, which may lend itself to the high and enlightened views of the Congress of Vienna, on this great concern of common and universal interest.

There can be no doubt that the extraordinary faculties of Brazil for self-defence; whose harbors are natural fortifications; whose mountains and climate yield every thing to its inhabitants, and nothing but labor and famine to an invader; whose proximity to and dominion over the west and east coasts of Africa eminently qualify it for connecting or separating, for regulating, for controlling or securing the commerce of the northern and southern hemispheres, must have excited the attention of the Congress of Vienna. If other proofs were wanting, the anxiety of England in favor of Lisbon as the seat of this throne would leave little doubt on this point.

The United States are not insensible of these recommendations, which entitle Brazil to their notice, and it need not be doubted that the government which presides over them would, with pleasure, see this country advanced to the important station it merits by nature more than any other, of becoming a coadjutor in fixing and poising the new balance of power; which must include the security of commerce, and the peace and prosper-

ity of continental America, or it must soon be disturbed, as the former one was, by the error of neglecting too much the effects of colonies, commerce, and navigation, upon the relative forces and influence of the powers of Europe.

It would be a noble trophy, consecrated to justice and an enlarged policy for the deliverers of Europe and the pacificators of the world, to raise, or contribute by their concurrence to raise, the early patrons of commerce to be the protectors of it; and again to advance them to that enviable eminence which, at a former period, entitled a sovereign of Portugal to obtain from England, for a similar though less atrocious outrage upon the laws of nations than this committed at Fayal, an atonement, presented in forms of solemnity and publicity which, leaving the sincerity and necessity of the expiation unquestioned, rendered it at once worthy of his acceptance, and worthy to be considered by all civilized nations as a competent sacrifice to justice and public law.

They then considered and must now consider themselves wounded and insulted by the perpetration of a forbidden outrage on any of their associates.

The undersigned having been led by the high character of this outrage on the Prince, and by the dignified tone of your excellency's communication respecting it, to treat the subject with an interest beyond that of its simple merits, as a question of indemnity or reparation, to be arranged between a single belligerent and a single neutral, he is loth to descend to consider it in the latter view.

The government which he has the honor to represent would not applaud their minister whose zeal on such an occasion should tempt him to seize upon the worst traits in this representation for complaint, or to combine them with others indicative of unfriendly negligence or apparent connivance, thereby to enhance the censures which may be due for so utter a destitution and incapacity of self-defence as have been alleged to exist at Fayal.

The governor of that place, indeed, speaks to his Prince as if he felt like a man of honor; and yet such has been his conduct, both passive and active, towards the British, that it would be difficult to explain, if it were not for the qualified censure imputed to him by the Prince, how he could have supposed he had the right to resist, without being tempted to resist, when the example of a few brave men must have convinced him that with their assistance, if not without it, in the forts, he might have defeated the aggressors.

But before the Prince can finally judge of the submissions of this governor, it will be necessary for him to know the facts, and examine their validity, stated in the two paragraphs last but one in the enclosed copy of a letter from the American consul at Fayal to the Secretary of State of the United States. It will there be seen that this unfortunate man, forgetting, in his anxiety to save his town, both the instinct and discipline of honor, consented even to use the troops of his sovereign, whom he would not lead, to protect his rights or those of hospitality, to make war, at the order of the British commander, upon the crew of the American cruiser; to drag them from the mountains, which alone offered them shelter, and to deliver them into the hands of the ruffians, to be examined as British deserters, upon a pretext which proved to be false in itself; and whether false or not, his compliance amounts to a surrender of the juris-

diction of his Prince, and thereby becomes an act of treason in himself. But the undersigned will press this point no further. The Prince having considered this offence as the climax of a long series of insults and oppressions, and as an act of hostility, growing out of the settled policy of the British government, rather than as an occasional brigandage to be referred to the momentary extravagance or unworthy habits of a single commander, has placed the matter upon its true footing; and he appears now to see, and be willing to see, the drift and pretensions of Great Britain in their full truth and in their native deformity.

The compensation due, and promised to the Americans attacked, may be easily settled, so far as pecuniary compensation can reach the equity of such a case; and he ventures to presume to say, that the most gratifying reparation which can be made to the government of the United States will be that which shall be most consistent with the honor of the sovereign abused, and most worthy to be approved of by other nations, conjointly injured in the act, and equally interested in the reparation.

In defending and asserting their own rights, either as neuter or belligerent, the United States have never ceased to view their obligations in the double character of an individual State, and of an associate in the great corporation of nations, whose common interest assures the rights of each member. They have supported both these claims with moderation and firmness, in argument and in arms; without ever permitting themselves, from motives of partiality, convenience, or policy, to compromise either, for the purpose of adding to the number of their friends, or diminishing that of their enemies. They will expect the same policy from other nations, and must be satisfied with a conduct like their own.

The undersigned will not dissemble to your excellency that the assurances given him at present of the resolution of the Prince to preserve the neutral and sovereign rights of the State with care and with vigor, have relieved his mind from very considerable anxiety regarding the state of the relations existing between the two governments. He had for several days in his possession the official details of the affair at Fayal, as well as the documents herewith enclosed, to prove a capture by the British under the guns of Funchal; which it is presumed from the date must have been long since known to this government, though it had been never notified to him by your excellency or your predecessors in office.

However daring these acts were in their character, and atrocious in their consequences, he found them so similar in spirit to many abuses committed with impunity in the ports of Brazil, and even in this capital, by British officers, that neither their violences at those islands, nor the torpidity of the Portuguese governors, were calculated to produce much surprise in his mind, or in that of the government of the United States. The possession of these papers, in place of hurrying him to return to the humiliating exercise of complaint which he had so often had the mortification to resort to with little or no adequate effect, determined him rather to pursue a course which his duty had previously suggested as expedient; that is to say, to present to his Royal Highness's government a brief and connected view of the state of the relations contemplated by the two governments in the commencement of their intercourse with each other in America; together with the principal occurrences which have marked the period of peace and the period of war which have since elapsed, advertising, at the same time, to the changes of policy or interests which the va-



rious fortune of these or of other nations may have produced, or which they may tend to produce, upon the wishes or policy of the Prince, in relation to the United States. It was intended, also, to speak of the state of the diplomatic relations which, for more than three years, have been left in a state of imperfection on one side, which it is impossible for the other party to explain, without assistance, in any manner flattering or favorable either to its pride or its friendship. It was also intended to notice some indications of disregard to the rank and personal security of the representative of the United States at this court, which might be considered, by his government at least, as requiring a remedy from one government or the other, or from both of them.

The real object of such a representation would have been this: to enable the two governments to understand each other's views as to the extent and permanence of their mutual relations in America and elsewhere; and to expose how far their engagements or expected engagements with other powers might render it desirable, or politic, or useful, to continue or to modify their present commercial and diplomatic relations; and, finally, to afford the government of the United States an opportunity (which it is the duty of the undersigned to do) to dispose of their minister in any way which it might find most consistent with its interests and reputation, provided his presence here should be found no longer capable of doing justice to either, or both of them.

It gives sensible pleasure to the undersigned to be released, by the recent assurances of your excellency, from the task, so unpleasant to his feelings, of detailing and dwelling on abuses which, proceeding from the bitter hostility of an enemy, are more embittered still by their being inflicted through the medium of a neutral and a friend whose vigilance, or whose authority, it is true, may slumber with impartiality at times, but never without injury to all, and many times with great injustice and risk to itself, as it has been lamentably proved, in this instance, at Fayal.

If the Prince causes his own rights to be respected, those of the United States, and of every other nation committed to his protection, will be safe, and one deep and wide source of uneasiness dried up.

\* \* \* \* \*

THOMAS SUMTER.

His Excellency the Marquis D'AGUIAR, &c., &c.

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*Translation of a despatch from the governor of the Azores islands.*

FAYAL, September 28, 1814.

Divine Providence has been pleased to preserve this and the other Azores islands from the misery and inflictions of war for more than twenty years, during which period it has desolated all Europe; but when we had become free from fears, and had begun to enjoy the fruits of peace, which is due, in a great measure if not wholly, to the generosity, energy, and wisdom of the British government, we are now, for the first time, made witnesses to a horrible and bloody combat, occasioned by the madness, pride, and haughtiness of an insolent British officer, who would not respect the neutrality maintained by Portugal in the existing contest between his Britannic Majesty and the United States of America.



I shall minutely detail to your excellency this disastrous event and its fatal consequences, in order that your excellency may submit them to our lord the prince regent, who will not fail to take them into his royal consideration, so as to obtain the satisfaction required for his sovereignty and independence.

On the 28th instant, at one in the afternoon, the United States privateer General Armstrong anchored in this port with the object of obtaining water. She was admitted in consequence of the neutrality of Portugal, and I ordered that she should depart on the following day before noon. On the same day, between seven and eight o'clock at night, his Britannic Majesty's squadron, consisting of the Plantagenet, 74, under Robert Lloyd, commander-in-chief, the frigate Rota, Captain Somerville, and brig Carnation, Captain Bentham, also anchored in the harbor. At ten minutes past 9 in the evening, I received from the American consul a note, (No. 1,) in consequence of which I immediately wrote to the British commander the letter, (No. 2,) and sent it at 10 o'clock on the same night. I then went directly to the castle, and having been informed of the circumstances which led to these hostile proceedings, I learned that a boat had been sent from the British ships of war to examine the privateer, and on its return three others had been sent armed; and that the captain of the privateer not wishing to allow them to come on board of his vessel, a fire was begun on both sides, the result of which was that the second officer of the privateer was wounded, and two English were killed and seven wounded. After the retreat of the British, the privateer ceased firing and came to anchor under the castle, at the distance of a stone's throw. I considered this affair terminated, supposing that my letter (No. 2) would merit the attention of the British commander-in-chief; but about eleven o'clock I began to see that he was preparing new attacks and insults.

The brig lay very near the shore, with a great number of boats about her bows. About half past 11 they left her, and though there was not much light, I could count twelve boats, which, at a quarter of 12, were preparing for an attack. So it happened; and ten minutes after midnight began the fight between the said boats and the privateer, which lasted, with the most sustained fire on both sides, for 28 minutes.

The victory remained with the Americans, the English being almost entirely destroyed. I had the pain to be the eye-witness of, and very near to, this determined conflict; and without being mistaken farther than the amount of twenty men, I can assure your excellency that the British force numbered three hundred men. The crew of the privateer were one hundred, of whom were killed the second officer and one other man, with five sailors and marines wounded. The loss of the British was most extraordinary; their consul told me that he knew the list of the killed and wounded to amount to one hundred and sixteen, and it is supposed to have been much greater, for I myself saw three of the twelve boats without one person in them, and as they retreated I saw that one had only two on board, another only five, others only seven or eight. Of the killed were four officers; of the wounded few survived, as they were all wounded dangerously. I only wondered that any escaped to tell the story; for no attack could have been conducted in worse order.

Ten minutes after this disastrous combat, I received from the British commander-in-chief a note, (No. 3,) to which I replied at one o'clock by

the note No. 4. The second insult had already terminated disgracefully to the British, and I was anxious to prevent a third, and the other consequences which might follow. So I conceived that if I could have a conference with that officer, I might dissuade him; if he were a reasonable man, from continuing the hostilities begun so insolently and repeated to the scandalous contempt of the law of nations. I therefore wrote the note No. 5, which was delivered, like No. 4, to the British officer, Mr. Huggins, who had brought me the No. 3; and I said verbally to him that I was preparing to go in person on board the ship, as her captain was suffering from an injury in his leg. But all was useless, and all my acts of civility and attention to that officer were unavailing.

At five minutes past four, in the morning of the 27th, I received at the castle, from the British vice consul, the note No. 6, from which I learned, definitively, that the British commander-in chief would not desist from his determinations.

At that moment the brig was getting under sail, and approaching the land; at a quarter past six, being abreast of the merchant vessels in the port, she began her combat with the privateer, which defended herself so well that the brig, after suspending her fire for ten minutes, renewed it; but was immediately obliged to retire towards the flag ship. During all this time, the privateer continued to fire from time to time at that vessel; but to no purpose, as I saw, from the great distance between them.

At half-past seven the captain and crew of the privateer abandoned her, and came ashore with their baggage and part of their provisions and rigging; and I will now state what was my conduct on this point. At eight o'clock the brig returned and anchored close to the castle, and to the smallest vessel which remained in the port, and renewed her combat with the privateer, which was entirely abandoned; and for twelve minutes she did not cease firing her cannon on the privateer, which, besides being abandoned, was aground; in this attack she fired at least 45 or 50 shot.

At a quarter past eight the captain of the brig ended his attack, considering the victory as gained; and sent his boats to sack the privateer, and then set fire to her. At nine she ended, and, weighing anchor, went and anchored at the place where such vessels usually lie.

I considered that this horrid tragedy, begun on the 26th instant, might be continued on land, after the destruction of the privateer, with that of her crew; but it was not so, and I rejoice greatly that I was deceived in my expectations. On land much property has been ruined near the place of combat, and three persons were wounded; one of them, a woman with five children, who is not expected to live. By this, and the No. 7, herewith sent, you will see a circumstantial account of the damages sustained.

I have related to your excellency, with all the simplicity of truth, the hostile proceedings which have taken place in this island on the 26th and 27th instant, until nine o'clock of the latter day; and I now pass naturally to speak of the measures which I took to secure good order, and to prevent, as far as possible, all insults, so as to save my own honor and to preserve this island, the government of which has been confided to me by your majesty, under your august sovereignty.

I know well that I was perfectly aware that force should be repelled by force, and that this is permitted by right; however, the unfortunate and miserable condition in which this island is situated, as regards its defences, prevented me, on the present critical occasion, from putting in practice

my desires to comply with my duty, by defending the neutrality of Portugal by arms. Nevertheless, after very serious reflections, I abandoned all those ideas which I had entertained of defending the neutrality of Portugal and the rights of sovereignty of our lord the Prince Regent, being certain that the result would be the most cruel and unfortunate; and finding that I could do nothing, either by force or by entreaties, to prevent the British commander-in-chief from acting as he did, I labored not to increase his indisposition towards us, and to preserve myself in the extreme of neutrality.

For this reason, when asked by the consul of the United States to give him leave to send thirty seamen of his nation, who were then in this island, on board the privateer, in order to increase her force for her defence, I absolutely refused my consent. In the morning of the 27th, observing, when day appeared, that the American seamen were destroying the English boats, which were driven ashore without crews, I ordered them to go on board of their vessel. I soon learned that the Americans, abandoning the privateer, were carrying ashore muskets, pistols, and swords; and I thereupon sent soldiers to seize and bring to the castle all these arms, which was done peacefully; and, with the same view, I gave orders respecting the English seamen and soldiers who might come ashore; of the latter, only one was found with a pistol, which was taken from him and delivered to the commander. I made known to the chief of the British forces that it would be proper for him to take great care to let as few of his people as possible come ashore, and that positively none would be allowed to land armed. To this he agreed; and, from the compliments which he afterwards sent to me by an officer, with the consul, I conceive that he was aware of the great evil done by his hostile expeditions in a port not only neutral, but, moreover, belonging to an old friend and ally of his nation.

On this same occasion, he sent to beg permission for the funeral of the officers killed to take place on land, at two in the afternoon; and that some soldiers might be landed to perform the last honors to the dead. All this I granted, and I gave the requisite orders that no American should appear in the vicinity of the place where these proceedings were to be conducted, in order to prevent any quarrel or fight which might otherwise occur.

After the battle, on the morning of the 27th, I ordered the standard not to be hoisted over the castle; not only to prevent it from being fired on, but also to show the British commander my resentment on account of the insults committed by him; but, in the act of disembarking the bodies for the funeral, I ordered the standard to be hoisted as soon as the boats touched the shore. With the bodies of the officers killed, all the officers of the squadron landed, except the commander-in-chief and some others, with sixty soldiers and musicians. On my part, I ordered the principal guard to be increased to the number of forty soldiers, in order to salute the funeral as it passed the castle; and also, under that pretext, to be ready for any disorder which might occur.

This religious act took place with quiet, notwithstanding the English officers were disturbed, in spite of all my care, by two American seamen, who, as soon as the funeral began, gave shouts of joy on account of the fight and retreat in which those officers lost their lives; but no consequences ensued, for they were immediately seized, agreeably to orders

which I had given in anticipation, and the English commander-in-chief was informed of every thing. All the English officers and soldiers embarked at 6 o'clock, without the occurrence of any thing worthy of note having then or since occurred, except that disturbances were made by the Americans in consequence of drunkenness.

Yesterday, observing that, notwithstanding the privateer had been burnt, some Portuguese and Americans were entering her in order to steal what might remain on board, as well as the sails which hung on the masts, I had sentinels placed in proper positions to prevent such robberies, in order that no difficulty might arise on this account on the part of the British. At 2 o'clock in the evening, I sent the *Juin da Fora*, on the part of the custom-house, to save what remained of those articles, and to look for any which had been taken away. To day, the British consul came to my quarters to say that he had agreed with the consul of the United States that as there might arise some dispute as to the ownership of those remains saved from the fire, being desirous to avoid such, the clear produce of the sale of the fragments might be applied to the repair of the houses ruined; and that, having obtained the verbal assent of the *Juin da Fora*, as far as concerned that officer, he wished to have also my approval. I replied, that I did not wish to interfere at all in the matter, which they might arrange as they pleased.

This morning, the British commander-in-chief sent to compliment me, and to thank me for the attention and measures which I had taken to cause his officers who had been killed to be buried properly; excusing himself, on the ground of illness, for not having been to see me in person, and inviting me, at the same time, to go on board of his vessel, as he was very anxious to speak to me. I answered, I thanked him for his politeness, but excused myself from complying with his request, as I did not consider his invitation, or my acceptance of it, either proper or decorous.

I moreover inform your excellency, that this same British squadron, whose commander has treated this island so badly, quitted this port on the 9th instant, after lying in it four days, in which water, provisions, and other articles required, to the amount of 2,700 [milreis,] were furnished, with every attention and care which [I] endeavored to bestow on all subjects of his Britannic Majesty, and all other foreigners.

I trust that my conduct on this occasion will meet with the approbation of your excellency and of the Prince Regent.

God preserve your excellency.

ELIAS JOSÉ RIBEIRO.

FRANCISCO XAVIER DE BRITO.

His Excellency ANTONIO DE ARANJO ACEVEDO.

No. 1.

[Translation.]

*Mr. Dabney to the Governor of the Azores islands.*

FAYAL, September 26, 1814,

Nine o'clock at night.

SIR: In violation of the neutrality which his royal highness the Prince Regent has promised to observe towards the United States of



America and England in the present war, the ships of war of his Britannic Majesty, now lying in this port, lately ordered four or five armed boats to surprise and carry off the American armed schooner General Armstrong, which is lying here under the guns of the castle, on the protection of which she regarded herself absolutely in security. The boats were repulsed, but a new and more formidable attack is now feared; and I therefore pray your excellency to protect this American vessel, as far as possible, either by force or by representations to the British commanders, to the effect that they should abstain from repeating a conduct so reprehensible; and I also pray your excellency to allow the Americans on shore to go on board to aid in the defence of the said vessel in a contest so unequal, if the English should persist in attacking the vessel again.

I am your excellency's most obedient servant,

J. B. DABNEY,

*Consul of the United States of America.*

His Excellency the GOVERNOR OF THE AZORES ISLANDS.

—  
No. 2.

[Translation.]

*From the Governor of the Azores islands to the commander of the British naval forces in this port.*

FAYAL, September 26, 1814.

(10 o'clock at night.)

SIR: In this port, under the dominion of his royal highness the Prince Regent of Portugal, lies at anchor the United States schooner of war General Armstrong, which has been obliged to come here from want of water. The neutrality of Portugal, acknowledged by his Britannic Majesty, requires that the commanders of his naval forces should respect the vessels lying here. The governor has therefore the honor to request, at your hands, that you will abstain from any hostility against the said vessel; and he avails himself of this occasion to give to the commander-in-chief the consideration which he merits.

His obedient servant,

ELIAS JOSE DE RIBEIRO.

—  
No. 3.

[Translation.]

*From the commander of the British squadron off Fayal to his excellency the Governor of the Azores islands.*

HIS BRITANNIC MAJESTY'S SHIP PLANTAGENET,

September 26, 1814.

SIR: Permit me to inform you that one of the boats of his Britannic Majesty's ship under my command was, without the slightest provocation, fired on by the American schooner General Armstrong; in consequence of which, two men were killed, and seven were wounded; and that the



neutrality of the port, which I had determined to respect, has been thereby violated. In consequence of this outrage, I am determined to take possession of that vessel, and I hope that you will order your forts to protect the force employed for that purpose.

With due respect, I remain, sir, your obedient servant,

THE COMMANDER

*Of his Britannic Majesty's Forces.*

—  
No. 4.

[Translation.]

*From the Governor of the Azores to the commander of the naval forces of his Britannic Majesty.*

FAYAL, September 27, 1814.

(1 o'clock at night.)

SIR: I received your letter, and by it I see the motives which induce you to violate the neutrality of this port, in the contest now existing between his Britannic Majesty and the United States of America. They have been sufficiently demonstrated by the results, and I now look with alarm at those which may follow. I must, however, assure you, sir, that, from the accounts which I have received, it is certain that the British boats were the first to attack the American schooner. I foresee fatal consequences from the sad occurrences which I have just witnessed; and you, sir, should, therefore, now give public evidence of the harmony, friendship, alliance, and good understanding which exist between your sovereign and the Prince Regent of Portugal, by putting an end to the hostilities begun at eight o'clock this night.

I avail myself of this occasion to repeat to you the assurances of my esteem and respect.

Your obedient servant,

ELIAS JOSE RIBEIRO.

—  
No. 5.

[Translation.]

*From the Governor of the Azores to the commander of the British squadron.*

FAYAL, September 27, 1814.

(2 o'clock at night.)

The governor of Fayal having written to the commander-in-chief of the British division lying in this port, considers it proper to ask that officer, since the letter which he wrote at one o'clock has not been thought worthy of an answer, to suspend hostilities against the American schooner (now lying in this port) until he should have had a conference with the governor on the subject as to what may be best for the interests of his Britannic Majesty and the Prince Regent of Portugal.

The governor renews to the commander-in-chief the assurances of his most distinguished consideration.

ELIAS JOSE RIBEIRO.

No. 6.

[Translation.]

*From William Greaves, consul of his Britannic Majesty at Fayal.*

FAYAL, September 27, 1814.

The bearer, an officer of his Britannic Majesty's ship Plantagenet, came here with a request that I should accompany him to your excellency's quarters. But a sickness, with which I am unfortunately seized, prevents me from leaving my house. His object is to inform you that the Americans having been the first to violate the neutrality of this port, the commander will send a brig from his squadron to fire on the American schooner; and if the said brig should encounter any hostilities from the castle, or your excellency should allow the masts to be taken from that schooner, he would regard this island as an enemy of his Britannic Majesty, and would treat the town and castle accordingly.

With my respects for your excellency, I remain, &c.

WILLIAM GREAVES.

His Excellency THE GOVERNOR OF THE AZORES.

[Translation.]

*From the Governor of the Azores islands to his excellency Senor Antonio de Arango de Acevedo.*

FAYAL, October 4, 1814.

MOST EXCELLENT SIR: By my letter of the 28th ultimo your excellency is informed of all the painful occurrences which have taken place in this island to the 26th of that month. By the accompanying copy, No. 1, your excellency will see how the British commander, Somerville, acted against the general law of all nations, and in manifest violation of the 14th article of the treaty of commerce and alliance between his Britannic Majesty and our lord the Prince Regent. I, however, wrote to the commander-in-chief the letter No. 2; and in consequence of the explanations which I had with the said Somerville yesterday at length, the seaman who was the object of the controversy was delivered up to me, as may be seen by the despatch No. 3, and the answer of the consul, No. 4.

The whole squadron sailed from this port on the 3d, at 7 in the evening. I regard this tragedy as ended; and God grant that I may never again see such another, and that my proceedings in this case will be approved by his royal highness the Prince Regent, our lord.

ELIAS JOSE RIBEIRO.

[Translation.]

*From the Governor of the Azores to his excellency Antonio de Arango de Acevedo.*

FAYAL, October 3, 1814.

MOST ILLUSTRIOUS AND EXCELLENT SIR: To-day, at ten o'clock in the morning, I received from the consul of the United States, with a let-

ter, (No. 1,) the document (No. 2) which I submit to your excellency, in order that it may come to the knowledge of his royal highness the Prince Regent, our lord.

ELIAS JOSE RIBEIRO.

*Mr. Monroe to Mr. Sumter.*

DEPARTMENT OF STATE,

Washington, January 3, 1815.

SIR: You will receive herewith a protest and certain other documents, (Nos. 1 to 5,) concerning the destruction of the American private armed vessel General Armstrong, which was effected, after a very gallant resistance, by a vastly superior British naval force, in the port of Fayal, in violation of the neutrality of Portugal. The growing frequency of similar outrages on the part of Great Britain renders it more than ever necessary for the government of the United States to exact from nations in amity with them a rigid fulfilment of all the obligations which a neutral character imposes. The President does not, however, entertain a doubt of the promptitude which the Prince Regent will manifest, particularly when he is informed of the aggravated nature of this case, to maintain the relations of justice between the two countries, by asserting the rights of his own dominion, and those of a belligerent power in friendship with him, founded, as they are, on the plain and acknowledged principles of public law. You are requested to bring all the circumstances of the transaction distinctly to the view of the Portuguese government, and to state the claim which the injured party has to immediate indemnification.

I have the honor to be, &c.

JAMES MONROE.

THOMAS SUMTER, Esq.

*Mr. Sumter to Ministers of the United States in Europe.*

[Extract—with enclosures.]

RIO DE JANEIRO, January 8, 1815.

The note of this government to me, relating to the attack on the American cruiser at Fayal, to which mine is an answer, and the documents concerning that affair, together with a note from this government to Lord Strangford on the same subject, are enclosed for your perusal, and to be sent to our government, to which I shall send duplicates of them in a few days, by a cartel employed to take home some prisoners brought here from the Pacific.

THOS. SUMTER.

To their Excellencies Messrs. ADAMS, GALLATIN, BAYARD, CLAY, and RUSSELL, *Ministers of the United States at Ghent*; and to his Excellency Mr. CRAWFORD, *Minister of the United States at Paris*.

[ ENCLOSURE. ]

*From the Marquis de Aguiar, Minister of Foreign Affairs, &c., to Lord Strangford, E. E. and M. P. of Great Britain.*

[ Translation. ]

PALACE OF RIO JANEIRO,  
December 22, 1814.

In complying with the orders just received from his royal highness the Prince Regent of Portugal, his master, [the undersigned] has the honor of transmitting to his excellency Lord Strangford, envoy extraordinary, minister plenipotentiary for his Britannic Majesty, a copy of advices that were received a short time since from the governor of Fayal, communicating the proceedings of a British squadron that had anchored there under the command of R. Lloyd.

On a perusal of those papers, his excellency will observe the outrageous manner in which that commander violated the neutrality his royal highness had resolved to maintain during the war that unhappily exists between England and the United States, by audaciously attacking the American privateer General Armstrong in the port of Fayal, and under the guns of the castle, notwithstanding the remonstrances of the governor, founded on the laws of nations, and the friendship and alliance that existed between the two sovereigns.

His excellency will likewise observe the base attempt of the British commander, at the time he commenced the unprovoked attack on the American privateer, to attribute those violent measures to the breaking of the neutrality on the part of the Americans in the first instance, by repelling the British armed barges that were sent for the purpose of reconnoitring that vessel, advocating with the most manifest duplicity that they were consequently the aggressors; but what appears still more surprising is the arrogance with which the British commander threatened to consider the territory of his royal highness as enemies, should the governor adopt any measures to prevent them from taking possession of the American privateer, which they subsequently plundered and set on fire.

The censurable moderation of the governor during these outrages would have induced his royal highness to have immediately caused a process to have been instituted for the punishment of that officer, did not the idea of his having been governed by a wish to guard the inhabitants of that island from the ravages and evils which the British commander would not have failed to commit, in conformity with his declaration already alluded to in his haughty intimations, merit his royal consideration.

In effect, this is the unhappy situation in which his royal highness perceives the fate of his subjects involved, as regards the proceedings of the subjects of his ally—there existing for this reason a contradiction between the ancient and intimate relations that unite the two sovereigns, and the rancor and enmity such facts are calculated to produce between the individuals of the two nations.

His royal highness, at the same time that he has directed his minister at the court of London to make the strongest representations before the Prince Regent of the United Kingdom, and to require satisfaction and indemnification not only for his subjects, but for the American privateer, whose

security, was guarantied by the safeguard of a neutral port, orders it to be signified to his excellency Lord Strangford, that he may inform his government of the unfavorable impression the conduct of that British commander has caused in the mind of his royal highness, thus having completed the measure of hostile aggravations, with which the officers of the British marine appear determined to sever the ties that have for centuries united the two countries.

The undersigned renews the expressions of high consideration, &c., &c.  
MARQUIS DE AGUIAR.

[ ENCLOSURE. ]

*From the Marquis de Aguiar, Minister of Foreign Affairs, &c., &c., to  
Mr. Sumter, E. E. and M. P. of the United States.*

PALACE OF RIO JANEIRO,  
December 23, 1814.

The undersigned, minister of foreign affairs, &c., &c., received orders from his royal highness the Prince Regent, his master, to transmit to Mr. Thomas Sumter, minister plenipotentiary of the United States of America, a copy of advices that were received a short time since from the governor of the island of Fayal, announcing the unpleasant occurrence that took place in the port of that island, on the 26th and 27th of September last, between an American privateer and a British squadron that anchored there at the same time.

His royal highness, having adopted a system of the strictest neutrality in the war that unhappily rages between the United States and Great Britain, could not hear of an occurrence so repugnant to his sentiments, and so contrary to established principles, but with the greatest grief. His royal highness, however, flatters himself that the citizens of the United States will not have reason to complain of the Portuguese governor in that conflict having used his utmost power to prevent the evil that occurred. Nor can his royal highness avoid viewing this affair in the light it is represented, as attacking his sovereignty and independence, by the manifest violation of his territory in the infringement of its neutrality, which ought to have been observed by the two belligerent powers. Not a moment's delay ensued in causing to be addressed to the British minister at this court the note which is confidentially communicated by a copy to your lordship, at the same time that he directed his minister in London to make the reclamation so serious an offence requires.

On viewing these circumstances, his royal highness trusts that Mr. Thomas Sumter will perceive how much his royal highness endeavors to avoid deviating from those principles of neutrality that have been pursued during the present war between the United States and England, and will not fail to transmit the fact to the knowledge of his government, as a further proof of the purity and loyalty of his royal sentiments.

The undersigned has the honor, &c.,

MARQUIS DE AGUIAR.



*Mr. Sumter to Mr. Monroe.*

[Extract.]

RIO DE JANEIRO, *December 8, 1815.*

I have not had the good fortune to receive any letter from your department of a later date than that of the 3d of January last, which related solely to the reclamation to be made in favor of the owners of the General Armstrong, privateer, destroyed by the British at Fayal. You will have seen, by my note of the 1st of January, that I had already attended to that affair; others of a similar kind have been represented since. The only answer I have yet obtained is, that inquiry has been ordered in the other cases; and that a demand of satisfaction from the British government had been made in the case of the Armstrong.

I have the honor to be, with esteem and high respect, your obedient servant,

THOMAS SUMTER.

*Mr. McLane to Captain Reid.*

DEPARTMENT OF STATE,  
*Washington, June 2, 1834.*

SIR: The situation of Portugal is such as to render the present an unsuitable time for presenting any claim, however just, upon the government. When the political affairs of that country become settled, your memorial will receive all proper attention; and such measures will be adopted for your relief as the circumstances of the case may appear to justify.

I am, very respectfully, your obedient servant,

LOUIS McLANE.

Captain SAMUEL C. REID, *New York.*

*Mr. Dickins to Mr. Kavanagh.*

[Extract.]

[No. 4.] DEPARTMENT OF STATE,  
*Washington, May 20, 1835.*

SIR:

Another claim, which appears to the department, upon the statement submitted in behalf of the parties interested, to be well founded, and which you are accordingly instructed to present to the government of Portugal, is that of the owners, officers, and crew of the American privateer General Armstrong, which was captured and destroyed by a British fleet in the port of Fayal during the last war between the United States and Great Britain. The Portuguese authorities at that place having failed to afford to this vessel the protection to which she was entitled in a friend-

ly port, which she had entered as an asylum, the government is unquestionably bound by the law of nations to make good to the sufferers all the damages sustained in consequence of the neglect of so obvious and acknowledged a duty. Captain Reid, who commanded the privateer, and who represents himself to be the agent for the parties concerned, will be requested to transmit to you the necessary documents to establish the claim, and to show the amount of damages to which the persons interested are entitled. The opinion given by the department has no reference to the amount demanded, but only to the principle upon which the claim is asserted.

I am, sir, your obedient servant,

ASBURY DICKINS.

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*Mr. Forsyth to Captain Reid.*

DEPARTMENT OF STATE,  
Washington, May 26, 1835.

SIR: Mr. Kavanagh, the chargé d'affaires at Lisbon, has been instructed to present to the attention of the Portuguese government the case of the privateer General Armstrong, captured by a British fleet in the port of Fayal, while under your command, during the last war between the United States and Great Britain, and has been informed that you would be requested to transmit to him the necessary documents to establish the claim, and to show the amount of damages to which the persons interested are entitled.

Any papers which you may wish to send to Mr. Kavanagh, as evidence in the case, will be forwarded by the department, if you prefer that mode of transmission.

I am, sir, your obedient servant,

JOHN FORSYTH.

Captain SAMUEL C. REID, *New York.*

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*Captain Reid to Mr. Forsyth.*

NEW YORK, September 10, 1835.

SIR: I have the honor to acknowledge the receipt of your very kind letter of the 26th ultimo, in relation to our claims upon the Portuguese government for the loss of the General Armstrong, by due course of mail, and for which I pray you to accept my most sincere and hearty thanks.

I shall, forthwith, proceed to forward the papers necessary to substantiate our claim, and show the amount of damages, as far as may be practicable, at this late day. Meantime, sir, permit me to ask of the department the favor to forward me the following documents,\* (they being the

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\* The documents alluded to are published in a pamphlet (on file in the Department of State) entitled "A collection of sundry publications, and other documents, in relation to the attack made during the late war upon the private armed brig General Armstrong, of New York," published in New York, 1833.

meridians from which we are to take our first departure,) in making up the loss, claim, and damages, the originals of which are to be found only in the *State Department*, to wit:

1. A notarial copy of my original protest made at Fayal, found in the pamphlet herewith transmitted, (page 13.)
2. A notarial copy of a letter from our consul at Fayal to our Secretary of State, dated Fayal, 5th October, 1814, found in said pamphlet, (page 3.)
3. Notarial copies of a memorial from Jenkins & Havens to Congress, in 1817, and report of Senate thereon. (See pamphlet, page 20.)
4. Notarial copies of my petition to Congress in 1818, and the report from the Committee on Naval Affairs in the House of Representatives, as per pamphlet, (pages 23 and 27.)
5. A certified copy of a letter from Mr. Dabney, our consul at Fayal, to Mr. Sumter, our minister then at Rio Janeiro, alluded to in Mr. D.'s letter, (pamphlet, page 7.)

With great consideration, I have the honor to be, sir, your very obedient servant,

SAML. C. REID.

N. B.—No. 3 is very important, as it contains the value and outfits of the vessel, &c.

S. C. R.

*Mr. Forsyth to Captain Reid.*

DEPARTMENT OF STATE,  
Washington, 15th September, 1835.

SIR: Your letter of the 10th instant has been received. The following papers relative to the privateer General Armstrong are found upon the files of the department, viz:

1. A letter from Jenkins & Havens to James Monroe, Secretary of State, dated December 19, 1814.
2. A copy of a letter from J. B. Dabney, United States consul at Fayal, to the governor of Fayal, dated September 30, 1814.
3. A letter from J. B. Dabney, United States consul at Fayal, to the Secretary of State of the United States, dated October 5, 1814.
4. A letter from J. B. Dabney, United States consul at Fayal, to Thos. Sumter, esq., minister of the United States at the court of Portugal, (Rio Janeiro,) dated October 6, 1814.
5. Certified copy of a protest of Samuel C. Reid, commander of the American armed brig General Armstrong, of New York, made before J. B. Dabney, United States consul at Fayal, on the 27th of September, 1814.
6. Account of disbursements and port charges of the American armed brig General Armstrong, Samuel C. Reid commander, in the island of Teneriffe, with a receipt for the same by J. B. Dabney.

A copy of such of these documents as you may designate will be prepared and sent to you. You are probably aware that the department is required by law to charge, for the use of the United States, for all copies of records, at the rate of 10 cents for every hundred words, and a further fee of 25 cents for the authentication of such paper. You will of course

make provision for these necessary charges, which, if all the documents referred to should be desired, will amount to about the sum of six dollars.

Petitions to Congress and reports of committees of that body are not filed in this department. The papers of that description which are enumerated in your letter, therefore, you will be obliged to seek for elsewhere. They may, probably, be obtained at the offices of the Secretary of the Senate and Clerk of the House of Representatives.

I am, sir, your obedient servant,

JOHN FORSYTH.

Captain SAML. C. REID, *New York.*

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*Captain Reid to Mr. Forsyth.*

NEW YORK, September 18, 1835.

SIR: Your esteemed favor came to hand yesterday, and I feel much obliged for the information it contains. As all the documents therein mentioned *may* be necessary, (say from 1 to 6 inclusive,) you will have the goodness to forward to my address copies of the whole; and, agreeably to advice, I enclose the six dollars.

The papers to be obtained from the Senate and House of Representatives, I have already written for.

With great consideration, I have the honor to be, sir, your very humble servant,

SAMUEL C. REID.

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*Mr. Forsyth to Captain Reid.*

DEPARTMENT OF STATE,  
Washington, September 21, 1835.

SIR: Your letter of the 18th instant, enclosing the sum of six dollars, has been received, and I now send you, agreeably to your request, a copy, duly authenticated, of all the documents enumerated in my letter of the 15th instant, as found upon the files of the department, relating to the privateer General Armstrong.

I am, sir, your obedient servant,

JOHN FORSYTH.

Captain SAMUEL C. REID, *New York.*

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*Captain Reid to Mr. Forsyth.*

NEW YORK, October 19, 1835.

SIR: Since receiving your last favor of the 21st ultimo, with which you were pleased to honor me, I have finally succeeded in making up all the

documents in relation to the claims on Portugal for the loss of the General Armstrong that have come within my reach—all of which, together with a letter from Mr. Kavanagh, which I leave open for your inspection, I now transmit to the State Department, to be forwarded to Mr. Kavanagh at Lisbon, according to your friendly suggestion.

The paper marked I is a letter from Mr. Dabney, our then consul at Fayal, to the then governor of that island. It may be of some consequence in the negotiation; I therefore ask the favor of having it authenticated by the department, should the thing be found practicable, as I have no means of doing it here.

With high consideration, I have the honor to be, sir, your very obedient servant,

SAMUEL C. REID.

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*Mr. Forsyth to Mr. Kavanagh.*

[No. 6.]

DEPARTMENT OF STATE,

Washington, October 22, 1835.

SIR: In a despatch addressed to you on the 20th of May last, (No. 4,) your attention was called to a claim of the owners, officers, and crew of the American privateer General Armstrong, which was captured and destroyed by a British fleet in the port of Fayal, during the last war between the United States and Great Britain; and you were informed that Captain Reid, who represented himself to be the agent of the parties concerned, would be requested to transmit to you the necessary documents to establish the claim, and to show the amount of damages to which the persons interested were entitled. Permission having been granted to Captain Reid to forward those documents through the department, the enclosed papers have just been received from him, and are transmitted to you without examination. The department is not to be understood, therefore, as expressing any opinion in respect to their sufficiency for the purpose for which they are designed, or as to the amount of the claim which you are to make upon the Portuguese government. It is not thought necessary to add any thing to the instructions which have heretofore been given you upon the subject.

I am, sir, your obedient servant,

JOHN FORSYTH.

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*Mr. Forsyth to Captain Reid.*

DEPARTMENT OF STATE,

Washington, October 23, 1835.

SIR: Your letter of the 19th instant was received, and the papers by which it was accompanied have been forwarded to the chargé d'affaires of the United States at Lisbon. The department has given Mr. Kavanagh no instructions as to the amount to be claimed, leaving that to his own dis-



cretion after he shall have examined the documentary evidence by which the claim is to be supported.

I am, sir, your obedient servant,

JOHN FORSYTH.

Captain SAM'L. C. REID, *New York.*

*Mr. Kavanagh to Mr. Forsyth.*

[Extract.]

LEGATION OF THE UNITED STATES OF AMERICA,

[No. 8.]

*Lisbon, December 28, 1835.*

I had the honor to receive, on the 10th instant, your despatch No. 6, accompanied by a letter from Captain Reid, and certain documents relating to a claim made by the owners, officers, and crew of the privateer General Armstrong, against the government of Portugal. The subject has received due attention, but I have thought it best to delay presenting the said claim until I shall have fully informed myself concerning its merits—more especially as the department has been pleased to commit to my discretion an investigation as to the sufficiency of the evidence transmitted to sustain it.

*Mr. Kavanagh to Mr. Forsyth.*

[Extract.]

LEGATION OF THE UNITED STATES OF AMERICA,

[No. 9.]

*Lisbon, January 30, 1836.*

On the 28th ultimo I had the honor to acknowledge the receipt of your despatch of the 22d of October last, with the accompanying documents, relating to a claim made by Captain Samuel C. Reid in behalf of the owners, officers, and crew of the private armed brig General Armstrong. In consequence of the intimation in said despatch, the said documents have been carefully examined, and they show satisfactorily, that on the 26th of September, 1814, during the late war between the United States and Great Britain, the said brig was attacked in the port of Fayal by a force sent from a British fleet then lying in the same port, and, after a brave and obstinate defence, was totally destroyed. The first attack was made at about seven o'clock, p. m. from boats belonging to the enemy's ships, and it was repulsed with heroic bravery. At 9 o'clock, p. m., J. B. Dabney, esq., consul of the United States for the Azores, residing at Fayal, applied to the Portuguese governor of that place, requesting him to protect the privateer, either by force or by such remonstrances to the commander of the British squadron as would cause him to desist from any further attempt. The governor, indignant at what had occurred, but feeling utterly unable to resist such a force, remonstrated with the British commander in forcible

and respectful terms, but was answered by an insulting and menacing reply. Soon after midnight another unsuccessful assault was made by the enemy. At day-break on the following day one of the British ships was brought near to the General Armstrong, then lying close under the guns of the fort, and the consequence was the utter destruction of the brig. It appears that the British commander alleged at the time that the crew of the General Armstrong had provoked the first attack by firing into his boats; but the protest made and signed on the 27th of September, 1814, by Captain Reid and all his officers, and corroborating circumstances, disprove this allegation. The estimate of the value of said vessel and of her outfit rests solely on the testimony of one R. Havens, who represents himself as surviving partner of the firm of Jenkins and Havens, of New York, agents for the privateer. On the 9th of January, 1817, a petition, signed by the said Jenkins and Havens in behalf of her owners, officers, and crew, was presented in the Senate of the United States, praying remuneration for the destruction of their property. On the 23d of the same month an adverse report was made thereon in that body. Afterwards, on the 19th of December, 1817, a petition, signed by Captain Reid in behalf of the officers and crew, praying that Congress would bestow something on those who had so gallantly defended the flag of their country, was presented in the House of Representatives, and on the 4th day of March following the Committee on Naval Affairs reported a bill granting them ten thousand dollars. It does not appear, from any evidence in my possession, whether the said bill passed or not.

In the above mentioned affidavit of R. Havens, the said brig, her outfit and equipments, are valued at \$42,000. Captain Reid estimates the loss and damage to the owners, officers, and crew, at \$200,800.

The foregoing claim has not been yet presented to this government, for the following reasons: 1st. I have felt desirous of obtaining such instructions as might be deemed proper, on a full view of the evidence which the parties have transmitted. 2d. It appears that representations on the subject were made in 1814 to Mr. Sumter, then minister of the United States near the court of Portugal, at Rio de Janeiro; and there is no record in the archives of this legation to show the result thereof. 3d. I have been fearful that its presentation, under these circumstances, might afford a pretext for postponing the settlement of the other claims, the validity of which had been already admitted before the receipt of Capt. Reid's documents. It is, therefore, hoped that my course, in this instance, will receive the approbation of the department.

*Mr. Forsyth to Mr. Kavanagh.*

[No. 13.]

DEPARTMENT OF STATE,  
Washington, July 2, 1836.

SIR: No despatch has been received from you since that numbered 13, which was dated on the 14th of April last. It was hoped that before this you would have announced the settlement of the various claims of American citizens upon Portugal, which have been so long, and so unreasonably, delayed. The claimants, as you may well suppose, are becoming

impatient, and making repeated complaints that their rights are still withheld. If a final arrangement should not have been completed before this despatch reaches you, it is expected that you will exert yourself with increased energy to overcome the procrastinating spirit which has hitherto been manifested by the Portuguese government, and to bring the matter to a speedy conclusion.

I am, sir, your obedient servant,

JOHN FORSYTH.

*Mr. Kavanagh to Mr. Forsyth.*

[Extracts.]

[No. 19.]

LEGATION OF THE UNITED STATES OF AMERICA,

Lisbon, July 9, 1836.

You will have seen in my former despatches that I have availed myself of every proper opportunity to urge the immediate adjustment of the claims of our citizens against Portugal, as a measure due alike to the claimants and to the just expectations of my government.

In my interviews with the Count de Villa Real, I have abstained from any allusion to the engagement made by the Marquis de Loulé, as stated in my despatch No. 10,\* in consequence of his assurance that he would himself undertake the examination of the several cases. Believing that it would be better to quicken attention by a written communication, I had lately prepared the draught of a note to send to him. But reflecting that, on the 30th of January last, in my despatch No. 10,\* I had informed the department of the objections made to the allowance of the claim of James Hall, and had given a summary of the evidence transmitted to me in behalf of the owners, officers, and crew of the privateer General Armstrong in support of their case, I have thought it probable that I might soon receive such directions as would enable me to judge whether a simultaneous settlement of all these demands should be insisted on: and that I might also be informed whether it would be satisfactory that provision be made for payment by instalments, in the manner proposed in said despatch. Under these impressions and with these views, I have withheld my note. In the interview aforesaid, on the 30th of June, the Count de Villa Real, after concluding his remarks as given above, stated that he had latterly given attention to the correspondence and documents concerning the said reclamations, and that he hoped to be able to come to a conclusion soon. I then remarked, that the delay which had already occurred must be matter of astonishment with my government, the more especially as the written and verbal declarations of the Duke de Pamella, while minister of foreign affairs, must have induced a belief that they would have been adjusted many months ago; and that I regretted not having it in my power, even now, to give information that this source of discussion was closed.

*Mr. Forsyth to Mr. Kavanagh.*

[Extract.]

[No. 16.]

DEPARTMENT OF STATE,

Washington, September 21, 1836.

SIR :

It is not necessary that you should wait for any further opinion of the department upon the claim of the owners, officers, and crew of the privateer General Armstrong. You have already been instructed as to the general character of this claim, and the principle upon which it is founded. You will make the best use of such testimony as has been furnished you by the claimants in its support; and, as it is well understood that, after asking the interference of their government to procure redress for the injuries they suppose themselves to have sustained, the parties must abide by such settlement as that government may make, you will, after a careful examination of the evidence, demand from the Portuguese authorities the highest amount of damages which, in your judgment, a prudent and conscientious man would feel himself justified in asking, were he prosecuting his own claim.

I am, sir, your obedient servant,

JOHN FORSYTH.

*Mr. Kavanagh to Mr. Forsyth.*

[Extract.]

[No. 35.]

LEGATION OF THE UNITED STATES OF AMERICA,

Lisbon, November 29, 1836.

The claim made by the owners, officers, and crew of the privateer General Armstrong, will be ready for presentation in a few days, in obedience to instructions in your No. 16.

*Mr. Kavanagh to Mr. Forsyth.*

[Extract.]

[No. 36.]

LEGATION OF THE UNITED STATES OF AMERICA,

Lisbon, December 26, 1836.

The claim of the owners, officers, and crew of the privateer General Armstrong, has not been presented yet. My motive, in withholding it, has been to prevent all possible embarrassment in the settlement of the others; while its presentation, at this moment, could give it no eventual advantage.

*Mr. Kavanagh to Mr. Forsyth.*

[Extract, with enclosure C.]

[No. 39.]

LEGATION OF THE UNITED STATES OF AMERICA,  
*Lisbon, 3d March, 1837.*

I have already assigned reasons for withholding the claim of the owners, officers, and crew of the privateer General Armstrong. However, on the 17th of February I addressed to the Minister of Foreign Affairs a note, of which a copy is subjoined, (marked C.) It covered copies of some of the documents forwarded by Captain Reid. No answer has been yet received. As the parties cannot have sustained any damage from this delay, it is hoped that my course will receive your approbation.

C.

*Mr. Kavanagh to the Minister of Foreign Affairs of Portugal.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Lisbon, 17th February, 1837.*

The undersigned, having heretofore made mention to his excellency the Viscount de Sa da Bandeira, Minister of Foreign Affairs, of a claim which he had been instructed to present for damages sustained by several citizens of the United States in the port of Fayal, from an English naval force during the late war between the said States and Great Britain, he now has the honor to bring the case to the special consideration of her majesty's government.

For that purpose he encloses copies of certain documents, which set forth the facts on which the claim is founded. It will appear, therefrom, that on the 9th day of September, 1814, the United States of America being then engaged in war with Great Britain, the American private armed brig General Armstrong, of seven guns and ninety men, duly furnished by the President of the United States with letters of marque and general reprisal, and commanded by Captain Samuel C. Reid, sailed from the port of New York on a cruise. On the 26th of the same month, at mid-day, she anchored in the port of Fayal, one of the Azores or Western islands, belonging to the crown of Portugal, which was neutral in said war. In the evening of the same day a squadron of his Britannic Majesty's ships anchored in the same harbor; and, in consequence of some movements on the part of the latter, indicating hostile intentions, Captain Reid caused his vessel to be placed within half cable's length of the shore, and within half pistol-shot of the castle. During the ensuing night two unsuccessful attempts were made to capture the privateer from armed barges despatched by the British commander. At 9 o'clock, p. m., after the first assault, the consul of the United States for the port of Fayal applied to the governor of the place, requesting his excellency to protect the privateer in such manner as would cause the assailants to desist from any further attempt. A remonstrance interposed by the governor was unavail-



ing. The consul had also requested that several American seamen, then at Fayal, might be permitted to go on board the privateer, for the purpose of assisting in defending her in case of a second attack. Permission, however, was refused.

In the morning of the 27th, at day-break, one of the British ships was placed near the General Armstrong, and commenced firing. Captain Reid, with his crew, deeming it useless to offer any further resistance, retreated to the shore, abandoning their vessel, which was totally destroyed.

It is for this unwarrantable destruction of property in a neutral and friendly port, and for damages consequent thereon, that the owners, officers, and crew of the privateer aforesaid now claim indemnity.

The documents forwarded herewith are respectively marked A, B, C. A is a copy of the letter addressed by the consul of the United States, in the evening of the 26th of September, 1814, to his excellency the governor of Fayal, requesting his interposition.

B is the copy of a protest made at Fayal on the 27th of September, 1814, by Captain Reid and his officers.

C is the copy of a letter addressed by the consul aforesaid on the 30th September, 1814, to his excellency the governor of Fayal, enclosing a copy of the said protest.

The undersigned avails himself of this occasion to renew to his excellency the Viscount de Sà da Bandeira assurance of his distinguished consideration.

EDWARD KAVANAGH.

*Mr. Kavanagh to Mr. Forsyth.*

[Extract.]

[No. 40.] LEGATION OF THE UNITED STATES OF AMERICA,  
Lisbon, March 18, 1837.

On the 13th instant, at an interview with the minister of foreign affairs, he informed me that, for the purpose of answering my note of the 17th of February, concerning the destruction of the privateer General Armstrong, he had caused an examination to be made of the past correspondence with the government of the United States; that, in consequence of pressing engagements, the task had not been completed. He spoke of the claim as one which, at present, could not be considered admissible, and said that the Portuguese force at Fayal was altogether incompetent to protect the privateer against the assailants. He then mentioned, as an offset, the losses sustained some years ago by Portuguese commerce from vessels sailing under the flag of Artigas, complaining that Portuguese property of an immense amount, captured by the latter, had been sold and wasted in the ports of the United States. I answered that this complaint had been already made by the Portuguese representatives at Washington, and that I had supposed the discussion which ensued to have been closed satisfactorily to this government. He then said that he was yet ignorant of the true state of the question, but would soon be able to confer more understandingly with me on the subject.

*Mr. Kavanagh to Mr. Forsyth.*

[Extract.]

[No. 44.]

LEGATION OF THE UNITED STATES OF AMERICA,  
Lisbon, May 24, 1837.

Since the interview with the minister of foreign affairs, mentioned in my No. 40, I have not obtained any further answer to my note of the 17th of February, in relation to the claim of the owners, officers, and crew of the privateer General Armstrong. I am informed that, in 1814 or 1815, General Sumter, our minister at the Portuguese court while it was established at Rio de Janeiro, made representations of the case, and that a correspondence thereon ensued between the Portuguese government and that of Great Britain, but I have no knowledge of the result, and there is no record of the translation in this legation.

It appears that, on the 30th of June, 1834, Congress appropriated ten thousand dollars as prize money, to be distributed among the officers and crew of this privateer.

*Mr. Kavanagh to Mr. Forsyth.*

[Extract.]

[No. 52.]

LEGATION OF THE UNITED STATES OF AMERICA,  
Lisbon, September 4, 1837.

For the measures taken in regard to the claim of the owners, officers, and crew of the privateer General Armstrong, permit me to refer to my despatches numbered 9, 19, 35, 36, 39, (with the paper annexed, marked C,) 40 and 44.

I have already stated in my previous numbers, that no *written* answer has been received to the note which I addressed to the minister of foreign affairs on the 17th of February last, a copy of which accompanied my No. 39 aforesaid.

He has, however, stated to me *verbally*, that, although not prepared to give a definitive decision, for want of time to examine the subject with due consideration, the claim appeared inadmissible; that the Portuguese force at Fayal was, at the time of the destruction of the privateer, totally incompetent to resist the assailing British squadron; and the commander of the fort had done all in his power to dissuade the assailants from their threatened attack. Reference has also been made, on two or three occasions, to the great damages sustained by Portuguese commerce from armed vessels sailing under the flag of Artigas, whose prizes were alleged to have been taken into ports of the United States, and there wasted or destroyed, without any indemnity to the sufferers.

I have been lately informed by a gentleman  
that a correspondence was had with the British minister in relation to the destruction of the General Armstrong, but he

was unable to say how it resulted. I have already stated that there are not, in this legation, any traces of the correspondence between the ministers of the United States (my predecessors) and the government of Portugal, until the arrival of General Dearborn at Lisbon, in 1822. All the archives were probably taken to Brazil, when our first mission was established there, after the emigration of the Portuguese court to Rio de Janeiro, in 1807.

In my No. 44 it is stated that on the 30th of June, 1834, Congress appropriated ten thousand dollars to be distributed as prize money among the officers and crew of this privateer; probably to indemnify them for the breaking up of their cruise, and to reward their gallantry in defending their flag.

If the grant was made upon that consideration, should it be considered in estimating the damages which they claim against this government? If so, I know no rule which I may safely adopt in fixing upon the *additional* sum which ought to be demanded.

Captain Samuel C. Reid, who represents himself as the authorized agent of the parties interested, has stated the claim as follows, viz: "In relation to the *officers* and *crew* of said vessel, including myself as commander, our loss in baggage, stores, and private property, cannot now be determined with any degree of certainty. Sufficient to say that our *all* was *staked*, and that our *all* was *lost*; to which may be added a long train of troubles, privations, and poverty, consequent upon the said disaster. We, the said officers and crew, as well as myself, therefore claim and demand from the Portuguese government, for loss and damages aforesaid, the sum of 50,000 dollars."

It appears that the privateer, with a crew of 90 officers and men, sailed from New York on the 9th of September, 1814, and was destroyed at Fayal on the 27th of the same month; their cruise had then lasted 19 days. They probably suffered great inconvenience, and incurred considerable cost, in reaching the United States, unless assisted by our consul at Fayal, at the expense of the government.

The claim which Captain Reid makes, in behalf of the *owners* of the vessel, he has stated as follows, viz:

Cost and outfits of the brig Gen. Armstrong	\$42,000
Damages to the owners in being deprived of the capital invested in said brig, for at least 20 years	58,800
Reasonable profits that were to have been expected from the cruise	50,000
	<hr/>
	\$150,800

Such are the character and present situation of this business; and the statement is respectfully submitted for your consideration.

*Mr. Kavanagh to Mr. Forsyth.*

[Extract.]

[No. 58.]

LEGATION OF THE UNITED STATES OF AMERICA,  
Lisbon, November 11, 1837.

I shall soon again endeavor to ascertain what can be done with the claims of James Hall, and of the owners, officers, and crew of the privateer General Armstrong.

*Mr. Kavanagh to Mr. Forsyth.*

[Extracts]

[No. 65.]

LEGATION OF THE UNITED STATES OF AMERICA,  
April 6, 1838.

On the 20th of September, I met the then minister of foreign affairs (Mr. Manoel de Castro Pereira) at his office, and, in the course of conversation, spoke of the business then remaining unsettled, which it had been my duty to present to the consideration of his predecessors, as well as of himself; mentioning, in particular, the claims of Hall, and the owners, &c. of the General Armstrong; stating, in regard to the former, that I had not been able to procure certain official documents which had been promised to be furnished for my inspection. After some observations of a very friendly character, he promised to examine those two cases without delay, and to give his opinion thereon as early as his other engagements would permit.

I have repeatedly urged for an answer to my note of 17th February, 1837, (see my No. 39,) presenting the claim of the owners, officers, and crew of the General Armstrong. The purport of several conversations with the ministers of foreign affairs on this subject has been already communicated. One of them has remarked that it presents embarrassing difficulties, and incidentally expressed a desire that its discussion might be transferred to London; he did not specify what those difficulties were, and nothing further has been said of the transfer thus alluded to. The objections started against the claim have been detailed in my previous numbers, especially in No. 52. I have, as yet, no information of what was done by General Sumter, our minister at Rio de Janeiro, in 1814 or 1815, who presented the case to the consideration of the Portuguese government, then established there.

*Samuel C. Reid, jr., to President Van Buren.*

NATCHEZ, MISS., March 29, 1840.

SIR: On reading your truly excellent and pertinent message, I perceive the "King of the Netherlands has made compensation for an American vessel captured in 1800 by a French privateer," which only the more forcibly struck me of the justness of my father's claim against the Portuguese government for the destruction of the privateer General Armstrong by the British in 1814, and which still remains unsettled. I think the claim was put in the hands of our chargé d'affaires at Lisbon, but, from the want of some energetic action, still remains in *statu quo*. I respectfully solicit your attention to the claim, and earnestly request you to further its cause, and inform me of its present situation; by doing which I shall be highly honored and gratified. It may not be improper here to state that I have become a citizen of Mississippi, and am studying law with Mr. Lewis Sanders, jr.

Very respectfully, I have the honor to be, your most obedient servant,  
SAMUEL C. REID, JR.

HON. M. VAN BUREN,  
*President United States.*

*Mr. Forsyth to Mr. Reid.*

DEPARTMENT OF STATE,  
Washington, April 14, 1840.

SIR: I have received your letter of the 29th ultimo, addressed to the President, on the subject of your father's claim against the Portuguese government for the destruction of the privateer General Armstrong by the British in 1814. In reply, I have to state that, under instructions from this department, the case of the General Armstrong has been repeatedly presented, with a demand for such damages, by the chargé d'affaires at Lisbon. Hitherto, however, his efforts have been unsuccessful, the claim having been deemed inadmissible, upon various grounds. Mr. Kavanagh's instructions require him to urge the call upon Portugal whenever there is room for expecting a favorable result.

I am, &c.,

JOHN FORSYTH.

SAML. C. REID, Jr., Esq., Natchez, Miss.

*Captain Reid to Mr. Webster.*

NEW YORK, June 12, 1841.

DEAR SIR: I take the liberty to inform you that, by the advice of the stockholders of the late brig General Armstrong, of New York, I have this day transmitted to the President of the United States (as their agent) a brief request, with a few details concerning our claims upon the Portuguese government for the entire loss of that vessel—the people's pet;



which document, I presume, as a thing of course, will be referred to your department.

As the whole of that affair is perfectly familiar to you, any enlargement on the subject I consider to be entirely unnecessary. I have only to say that Mr. Kavanagh has had the matter in hand, under the instructions of Mr. Forsyth, since 1835; that he has informed me that the claim had been formerly presented, but that the Portuguese government demurred, upon the pretext that the proceedings had at Rio Janeiro in this business could not be found; and that in 1837 he (Mr. K.) had written home for *further instructions*. On making the inquiry at the State Department, Mr. Forsyth informs me that no such despatches had ever been received.

From that period the whole thing seems to have fallen into a profound slumber, from which it would be very desirable to have it awakened.

If the proceedings at Rio Janeiro cannot be found, what objections could there be to the beginning the negotiations *de novo*? The case is so very plain, as it appears to me, that it may be summed up in a very few words.

*You are bound to pay us for the loss of that vessel. Yes. And you have not paid. No. Now, then, when will you pay?*

Sir, it is something like 27 years since negotiations were first begun by our minister (Mr. Sumter) at Rio Janeiro, and we *now* have to expect that we shall see something more than mere children's play.

From what *you have* done, when in a less powerful position, we may be allowed to judge what you will be able to effect under more advantageous circumstances.

In fine, sir, as you have already so generously given the little Armstrong a lift "off a lee shore," we now have to hope that you will condescend to *finish the figure* which you have so patriotically begun; and that we shall one day have the great satisfaction of seeing the General Armstrong at last proudly wafted from the shores of Portugal to her native port, greeted by the admiring friends of the *great pilot*, with the flag of Daniel Webster waving triumphantly at *her main*.

With very great respect, I have the honor to be, dear sir, most truly your friend,

SAMUEL C. REID,

*Agent for the owners, officers, and crew  
of the brig Gen. Armstrong.*

HON. DANIEL WEBSTER.

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*Samuel C. Reid, jr., to Mr. Webster.*

NATCHEZ, MISS., November 10, 1841.

SIR: I am induced to write you on the subject of my father's claim against the Portuguese government for the destruction of the privateer General Armstrong by the British, in 1814. This claim has long been before our government for adjudication, and, either from the want of energetic action on the part of the officers of our government or some other cause, it still remains unattended to, whilst other claims of the same nature have been successively presented and allowed. In 1839, the King of the Netherlands made compensation for an American vessel captured

by a French privateer in 1800 : then why is it that the case of the Armstrong, being so admissible on all sides, and standing on superior ground to many others, is thus permitted to go neglected ?

In a letter from the deceased and much lamented late Secretary of State, the Hon. John Forsyth, dated the 14th April, 1840, he stated to me that the case had been repeatedly presented, under instructions from the Department of State, with a demand for just damages, by our chargé d'affaires at Lisbon, but that his efforts had been unsuccessful, the claim having been deemed *inadmissible*, upon *various grounds*.

The instructions required the late chargé, Mr. Kavanagh, to urge the case upon Portugal whenever there was *room* for expecting a *favorable* result. Now that we have a new chargé, (General Washington Barrow, of our city,) I am in hopes new instructions will be given him to make a demand at once for immediate indemnification for the loss of the brig.

How the Portuguese government can evade the claim upon the plea of its being inadmissible, *on various grounds*, I am at a loss to know, without she intends to dispute one of the most firmly settled principles of the law of nations. Thus stood the case of indemnification between the United States and France until she was urged to the extreme point, when, rather than engage in a war, she acknowledged the debt and made restitution.

Now, sir, I am of the opinion the case of the Armstrong will ever remain in this unsettled state, because it is an isolated one, unless an urgent and immediate demand is made of Portugal by our government. That country is so unsettled that I fear it will be many years, if ever, before she will have stability enough to inquire into the particulars of a fact which at present she is so adverse to. I am convinced she will ever put it off under *some* excuse, unless an immediate demand is made and the case fully brought before them for decision.

Our own country has been much agitated of late years by a series of fortuitous events unpropitious to our cause. Now that a change in the administration has taken place, I feel confident that this is our most favorable time. The situation which you occupy makes me sanguine our cause will not go unattended to. My father has advised me that he has written you on the subject, and in my thus urging the claim I would not be thought presumptuous ; for I am aware that if such claims are allowed to sleep they are often quite forgotten. You will then, I feel confident, give it a due consideration, and regard the motive that thus prompts me to urge the claim. I respectfully refer you to the report of the committee of the Senate, 25th January, 1817, upon the petition of the owners of the General Armstrong.

I should be highly honored and gratified to learn your views of the case, and what course would tend to its most speedy adjudication ; and whether or not, if it were brought before Congress to act on, it would not tend to consummate the settlement of the claim.

I am, sir, with regard and esteem, your obedient servant,

SAM. C. REID, JR.

HON. DANIEL WEBSTER,  
Secretary of State.

*Samuel C. Reid, jr., to Mr. Webster.*

NATCHEZ, MISS., *January 12, 1842.*

SIR: I beg leave to inquire if you have received a letter from me, dated 10th November, 1841, on the subject of the claim against the Portuguese government for the destruction of the brig General Armstrong by the British in 1814; and if so, I would most respectfully solicit an answer to the same.

I have the honor to be, sir, your obedient servant,

SAM. C. REID, JR.

*Mr. Webster to Mr. Barrow.*

[Extract.]

[No. 3.]

DEPARTMENT OF STATE,

*Washington, January 15, 1842.*

SIR:

The parties interested in the capture and destruction of the privateer General Armstrong by the British fleet, in the port of Fayal, during our last war with England, have renewed their application to this government to interfere in their behalf. As this claim is fully explained in the instructions from this department to your predecessor, Mr. Kavanagh, and in his correspondence with the Portuguese government on the subject, it will only be necessary to refer you to these documents for a thorough understanding of it. Upon the receipt of this letter, you will, without delay, make yourself acquainted with the circumstances, and address a note to the minister of foreign affairs on the subject. The amount of the claim the department will not attempt to fix; but its justness, I believe, has not been denied. If, in the course of your discussion of the claim, there should arise a disposition on the part of the Portuguese government to compromise the claim, you will inform this department immediately of it. If the inadmissibility of the claim is made to depend upon the defect of evidence, or upon any other cause, you will ascertain precisely what further evidence is required in addition to that which has already been communicated by Captain Reid, and will be found on file in your legation; or in what manner the difficulties, whether real or assumed, that have so long delayed the settlement of what appears to be a just demand, may be removed.

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I am, sir, your obedient servant,

DANL. WEBSTER.

*Mr. Webster to Mr. Reid.*

DEPARTMENT OF STATE,

*Washington, February 1, 1842.*

SIR: Your letters of the 10th November last and 12th ultimo have been received at this department. On the receipt of the former, instructions

(a copy of which you will find enclosed) were addressed to the representative of the United States, recently sent to Lisbon; and I have now to inform you that as soon as his reply shall be received it will be communicated to you.

I am, &c.,

DANL. WEBSTER.

SAMUEL C. REID, JR., Esq., *Natchez, Mississippi.*

*Mr. Barrow to Mr. Webster.*

[With enclosures.]

[No. 8.]

LEGATION OF THE UNITED STATES,

*Lisbon, June 10, 1842.*

SIR: I have the honor to hand you, herewith enclosed, a copy of a note addressed by me to the Duke of Terceira, minister of foreign affairs, &c., marked A, and a translation of his reply thereto, marked B, in relation to the case of the General Armstrong.

I shall wait a reasonable time for a further answer, and should I receive none, I shall again call the attention of the Portuguese government to the subject. The interest felt in the elections, and the preparations making for the meeting of the Cortes, will, no doubt, prevent any other reply until after the 10th of July. And when a reply does come, I have but little hopes that it will be favorable, as the efforts heretofore made to obtain justice in this case have uniformly proved unsuccessful.

I have the honor to be, with great respect and consideration, your obedient servant,

WASHINGTON BARROW.

HON. DANIEL WEBSTER,

*Secretary of State.*

A.

LEGATION OF THE UNITED STATES,

*Lisbon, May 25, 1842.*

SIR: In obedience to instructions received a short time since from my government, I beg leave to call your attention to the case of the American private armed brig General Armstrong, which was destroyed by a British naval force in the port of Fayal, during the last war between England and the United States. The justness of the demand made in this case, it is believed, has never been denied, and it is not now necessary to inquire into the causes that may have delayed its settlement. The lapse of so many years, however, it is hoped, will only furnish an additional reason for its final and speedy adjustment.

As a history of the case was laid before the Portuguese government by my predecessor, Mr. Kavanagh, it is not necessary for me to do more, at this time, than to refer your excellency to the letter of that gentleman, addressed to his excellency Viscount de Sã da Bandeira, then minister of foreign affairs, on the 17th of February, 1837, which was accompanied by various documents giving the details of the whole affair.

Should your excellency, however, desire any additional information, it will afford me much pleasure to furnish it.

With great consideration and respect, I have the honor to be your excellency's most obedient servant,

WASHINGTON BARROW.

His Excellency DUKE OF TERCEIRA,

*Minister of Foreign Affairs, &c.*

—  
B.

OFFICE OF STATE FOR FOREIGN AFFAIRS,

May 31, 1842.

I acknowledge the receipt of the note which V. M'ce directed to me on the 25th of this month, concerning the reclamation made by your predecessor, Mr. Kavanagh, upon the government of her majesty, on the 17th of February, 1837, for the destruction, in the port of Fayal, of the American armed brig General Armstrong, by some vessels of war of his Britannic Majesty, during the war between the United States of America and Great Britain, in 1814. I have the honor to inform V. M'ce that I shall proceed, without delay, to the investigations necessary to procure the most ample and exact information of the circumstances of this occurrence, to the end that I may be able to answer with the most perfect knowledge of the case.

I avail myself of this occasion to renew to V. M'ce protestations of my great consideration.

God preserve V. M'ce!

DUKE OF TERCEIRA.

Sñr. General BARROW, &c., &c., &c.

*Mr. Webster to Mr. Barrow.*

[Extract.]

[No. 4.]

DEPARTMENT OF STATE,

Washington, August 18, 1842.

SIR:

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From the assurance given you by the Duke of Terceira, in his reply to your note of the 25th May, respecting the case of the General Armstrong, that the circumstances will be amply and exactly investigated by him, the department entertains a hope that justice will be done to the parties interested, and you will so inform the government. You are directed also to renew the claim of James Hall, upon the grounds taken by your predecessor, as stated in his despatch No. 9, and in the accompanying correspondence. Both these claims are regarded as just by this government, and will not be relinquished under the objections heretofore made to them by the Portuguese government, which are entirely unsatisfactory.

I am, sir, respectfully, your obedient servant,

DANIEL WEBSTER.



*Samuel C. Reid, jr., to Mr. Webster.*

NATCHEZ, MISS., August 22, 1842.

SIR: Your communication of the 1st of February last, with a copy of the instructions sent to the representative of the United States at Lisbon, has been received. Since which lapse of time, a sufficient period has terminated for the reply of the chargé d'affaires to have reached your department.

I earnestly desire that I may be informed of the nature of his communication, if any has been received.

I am, sir, respectfully, your obedient servant,

SAMUEL C. REID, Jr.

*Mr. Fletcher Webster to Mr. Reid.*

DEPARTMENT OF STATE,

Washington, September 6, 1842.

SIR: In reply to your letter of the 22d ultimo, I have to inform you that the case of the General Armstrong has been again laid before the Portuguese government in a note addressed by our chargé d'affaires at Lisbon to the Duke of Terceira, dated May 25, 1842, to which, on the 31st of the same month, a reply was received, in which his excellency promises to proceed without delay to the investigations necessary to enable him to answer the application. Mr. Barrow states that he will wait a reasonable time for this answer, when, if he does not receive it, he will make another application. Although our representative is of opinion that no favorable reply will be given in this case, he has been instructed, since the receipt of his last despatch upon it, to signify to the Portuguese government the confident expectations of the United States that justice will at length be done to the parties interested.

I am, &c.,

FLETCHER WEBSTER,

Acting Secretary.

SAMUEL C. REID, Jr., Esq.,  
Natchez, Miss.

*Samuel C. Reid, jr., to Mr. Fletcher Webster.*

NATCHEZ, MISS., November 2, 1842.

SIR: I have the honor to acknowledge your letter of the 6th September last, containing the reply of the Duke of Terceira to a note addressed to him by our chargé at Lisbon, in regard to the case of the General Armstrong, with the opinions of Mr. Barrow, and the additional instructions sent to him. I am sorry to learn our representative is of the opinion that no favorable reply will be given in this case. Yet I cannot conceive upon what grounds that government can refuse to enter into a negotiation for the settlement of the claim, much less why they should not make immediate indemnification.

Our late representative, Mr. Kavanagh, in 1836, stated he had preferred the claim, but the Portuguese government had demurred to it, not being able to find the proceedings had at Rio de Janeiro, under Mr. Sumter. In a letter from John B. Dabney, esq., late consul at Fayal, to the Secretary of State, dated 5th October, 1814, he stated: "I shall, as early as possible, transmit a statement of *this* transaction to our minister at Rio Janeiro, for his government." The proceedings had at Rio Janeiro in this case, under Thomas Sumter, then minister at Rio, took place in 1814 or 1815, a copy of which must be at the State Department. I shall feel deeply obliged to you by having a copy of the same made out and sent to me, as it is of great importance to the case.

Hoping the next despatches received from our representative at Lisbon may prove more favorable, and desiring to be informed of the contents of the same, I remain, sir, your obedient servant,

SAMUEL C. REID, JR.

*Mr. Barrow to Mr. Webster.*

[Extract, with enclosure A.]

[No. 11.]

LEGATION OF THE UNITED STATES,  
Lisbon, November 15, 1842.

Not having received any further answer than that of which I enclosed you a copy in my despatch of June 10, from the Duke of Terceira, while he was acting as Minister of Foreign Affairs, in relation to the case of the General Armstrong, I addressed a note to his successor, Mr. Gomes de Castro, on the 10th of October, urging it upon his attention, and requesting an early reply. In an interview which I had with him soon afterwards, I again brought the matter before him, and mentioned, also, the case of James Hall, according to the instructions in your despatch No. 4. He said that, as he had but recently come into office, he must take time to examine these cases, and promised that I should receive an answer at an early day. On the 13th instant I received a note from him, of which a copy is herewith enclosed, marked A. You will perceive that it mentions only the case of the Armstrong.

I do not believe that any stronger representations can be made to the Portuguese government than have been already made, in reference to these two cases; and what effort these representations have had, is evident from the frequent delays that have occurred even in making replies to inquiries and notes upon the subject.

A.

[Translation.]

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,  
November 12, 1842.

I have the honor to inform you that, as soon as I received the note addressed to me by you on the 10th ultimo, pressing again for an answer to

a certain claim made in the name of your government relative to the ship Armstrong, the government gave new and positive orders to the Administrator General of Finance to produce certain explanations, which are required in the case; and I expect that there will be no delay in obtaining them, and that I shall thus be soon enabled to answer the said claim properly.

I avail myself of this occasion to repeat to you, sir, the assurance of my great consideration.

May God preserve you.

JOSE JOAQUIM GOMES DE CASTRO.

General W. BARROW, &c., &c., &c.

*Mr. Webster to Mr. Reid.*

DEPARTMENT OF STATE,  
Washington, December 5, 1842.

SIR: I have received your letter of the 2d ultimo, acknowledging the receipt of one from this department, in which was communicated to you the result of a renewed application to the Portuguese government on the subject of the General Armstrong. Whatever further information respecting the case may be received from the American representative at Lisbon, will also be transmitted. I am not able, however, to comply with your request that the documents touching this transaction may be copied and sent to you. The department cannot employ the clerks for such purposes. I have no objection to permit you, or any agent whom you may appoint, to inspect and make copies of the papers.

I am, &c.,

DANL. WEBSTER.

SAML. C. REID, Jr., Esq.,

*Natchez, Mississippi.*

*Samuel C. Reid, jr., to Mr. Webster.*

NATCHEZ, Miss., December 20, 1842.

SIR: I had the honor of addressing this department on the 2d ultimo, in answer to the communication of the Hon. Fletcher Webster, of the 6th September last, requesting a copy of the proceedings had at Rio de Janeiro, under Mr. Thomas Sumter, the American minister in 1814 or 1815, in the case of the brig General Armstrong, to be sent to me. I again earnestly solicit a copy of the same, and respectfully request to be advised if any late despatches have been received from our representative at Lisbon.

Respectfully, I have the honor to be, sir, your obedient servant,

SAML. C. REID, JR.

*Mr. Barrow to Mr. Webster.*

[Extract, with enclosures.]

[No. 14.]

LEGATION OF THE UNITED STATES,  
*Lisbon, February 20, 1843.*

\* \* \* \* \*  
I enclose herewith a copy of a note which I addressed to Mr. de Castro on the 9th of February, (instant,) together with a translation of his answer. They have reference to the cases of the Armstrong and of Mr. Hall, and to a claim of Messrs. J. P. Hutchinson & Co.

The pretexes for delay in the two former cases are of a very frivolous character, and such will continue to be given, I am convinced, until a very decided tone is assumed by our government.  
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LEGATION OF THE UNITED STATES,  
*Lisbon, February 9, 1843.*

SIR: On the 29th of August last I addressed a note to your excellency's predecessor in relation to a claim of Messrs. J. P. Hutchinson & Co. upon the Portuguese government for damages resulting from the detention of their property by the director of the custom-house.

With a reply to this note I have not yet been honored.

In interviews with your excellency in the latter part of October and in November last, I called your attention, in obedience to instructions from my government, to the long pending case of James Hall; and, on the 21st of December, I addressed a note to your excellency upon the same subject.

This note also remains unanswered.

My object in troubling your excellency at this time is, to request the favor of answers to these notes at as early a day as may suit your excellency's convenience. And may I not hope, also, that the case of the General Armstrong, which I had the honor of recalling to the attention of her majesty's government as far back as the 25th of May last, will meet with no further delay than may be necessary?

I renew to your excellency the expression of my great consideration and respect.

WASHINGTON BARROW.

His Excellency the Councillor J. J. GOMES DE CASTRO.

—  
[Translation.]

In reply to your note dated this day, in which you ask for a decision of the three claims made to her majesty's government, relating to Messrs. Hutchinson & Co., James Hall, and the ship Armstrong, I have the honor to inform you—as to the first, that this moment I have finished writing to the finance department, soliciting the information asked from it by my predecessor in September last. As to the second, about James Hall, I

have only been, for a short time, able to answer you ; very shortly I will write to you. As to the third, finally, regarding the ship *Armstrong*, as I have not been able to gather some further particulars which may elucidate this business—to that end, I shall repeat the necessary orders by the next packet.

I avail myself of this occasion to renew my protestations of very great consideration.

God protect you !

Office of the Secretary of State for Foreign Affairs, the 9th of February, 1843.

JOSE JOAQU'N GOMES DE CASTRO.

General BARROW, &c. &c. &c.

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*Mr. Barrow to Mr. Webster.*

[Extract.]

[No. 15.]

LEGATION OF THE UNITED STATES,

*Lisbon, March 20, 1843.*

There has been from the first a manifest disposition, (I might say determination,) on the part of the Portuguese government, to refuse reparation for the injustice committed in this case,\* and to avoid the liability to which they are subject, by the laws of nations, in the case of the General *Armstrong*. Both remained unsettled when our other claims were recognised and adjusted, and the disinclination then manifested to arrange them has only increased with time. I anticipate as unfavorable an answer, when one *does* come, in the case of the *Armstrong*, as that just received in relation to *James Hall*.

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*Samuel C. Reid, jr., to Mr. Webster.*

NATCHEZ, MISS., May 3, 1843.

SIR: I have the honor to acknowledge your communication of the 15th December last, in reply to mine of the 2d November, on the subject of the brig General *Armstrong*, and in which I requested that a copy of the proceedings had at Rio might be sent to me ; which request, I am informed, the department cannot comply with.

The department also informs me, whatever further information may be received from the American representative at Lisbon, respecting the renewed application to the Portuguese government on this subject, will be transmitted. If any information has been received since the additional instructions sent to our chargé at Lisbon in relation to this case, I respectfully request to be informed of it.

I am, sir, respectfully, your obedient servant,

SAML. C. REID, JR.

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\* Hall's case.



*Mr. Legaré to Mr. Reid.*

DEPARTMENT OF STATE,

Washington, May 17, 1843.

SIR: Your letter of the 3d instant has been received at this department. Under renewed instructions given at your instance to the charge d'affaires of the United States at Lisbon, the case of the General Armstrong, with others, was again presented to the Portuguese government. No final reply had been received by Mr. Barrow at his latest date, the 20th of March. I take this occasion to repeat, that any information which may be received upon the subject will be communicated to you.

I am, &c.,

H. S. LEGARÉ.

SAML. C. REID, Jr., Esq., *Natchez, Miss.*

*Mr. Barrow to Mr. Upshur.*

[Extract, with enclosure.]

[No. 23.]

LEGATION OF THE UNITED STATES,

*Lisbon, September 16, 1843.*

I have the honor to enclose, herewith, (marked A,) a translation of a reply received from Señor Gomes de Castro, Minister of Foreign Affairs, to the several notes addressed to the Portuguese government on the subject of the destruction of the General Armstrong. This answer is, as I anticipated it would be, unfavorable; and as the tenor of its contents, and a conversation I have had with Señor de Castro, since its receipt, have convinced me that there is but small hope of inducing a change of opinion, I have concluded not to resume the discussion until instructed to do so.

\* \* \* \* \*

A.

[Translation.]

( Replying to the notes addressed to this department by your predecessor on the 17th of February, 1837, and by yourself on the 25th of May and 10th of October, 1842, in which an indemnity is claimed for the destruction of the American armed brig, General Armstrong, caused by his Britannic Majesty's ships Carnation, Plantagenet, and Rota, in the port of Fayal, on the 26th and 27th of September, 1814, during the war between the United States of America and Great Britain, I have the honor to make known to you that her majesty's government cannot but be surprised that this claim made its appearance after a silence of so many years.

The necessary orders were given to proceed to the most exact examinations, from which some delay has occurred in this answer. It was impossible without them to obtain a thorough knowledge of a case represented (*figurado*) in said notes under such serious circumstances.

The accounts received all agree that the American brig, under the

pretext that four boats from the said British vessels were approaching her, fired upon them, killing some of the men and wounding others.

It is alleged on the part of the United States that these boats contained armed men who had a hostile intention. At the same time, it is affirmed on the part of Great Britain that they only carried inoffensive men, who were going ashore from their ships on duty, and that they casually met the American brig when she was preparing to leave the port of Fayal.

It is, however, an undeniable fact that the first shot came from on board the American brig General Armstrong, thus evidently constituting her the aggressor, and a violator of the neutrality of the port of a friendly nation, by whom she had been received with all kindness; and giving cause for the conflict which afterwards took place, with the most serious want of that respect due to the Portuguese territory.

Notwithstanding this, and although there was not on the island of Fayal more than one hundred infantry and eight artillery soldiers, and the artillery in the castle of Santa Cruz, as well as in the other forts, was in a ruined state, a circumstance which rendered it absolutely impossible to avoid (*evitar*) hostilities by force, yet the military governor was not prevented from employing every means of persuasion to obtain that end, in a long and energetic correspondence which he carried on with the principal commander of the British vessels, as was testified by Mr. Dabney, consul of the United States at Fayal, in an official communication to his government of all the facts, under date of the 25th of October, 1814.

The accusation against the governor of Fayal of not having consented to the requisition of the said consul to permit the embarkation of a number of American citizens to augment the number of the defenders of the said brig, cannot be sustained from the moment it is considered that the commander of the British vessels might, with just cause, have accused him of partiality, as he had also refused him the assistance asked to apprehend (*apprehender*) the American brig, although she was the aggressor.

The government of his Britannic Majesty, appreciating the rashness (*temeridade*) with which his officers acted in a neutral port against said brig, without first recurring to the authorities of the country, had no hesitation in apologizing to the Portuguese government and indemnifying the inhabitants of Fayal for damages sustained by the firing of the British vessels.

By an analogy of reasoning, far from her Majesty's government being considered as bound for any indemnity for the destruction of the American brig, it would have every motive for asking and expecting an apology for the attempt (*attentado*) committed in the Portuguese territory by that brig; seeing that the first shot was unquestionably fired by her, and that the commander did not previously have recourse to the authorities of the country, which was only done by the American consul after the offensive provocation was committed by said brig, and that the fatal consequences were inevitable.

The government of her Majesty trusts that the government of the United States of America cannot fail, in its enlightened spirit of rectitude, to acknowledge that unjust ground exists for the government of her Majesty to consider itself bound for any indemnity for the destruction of the brig General Armstrong, produced by a deed (*feito*) of her own of a very serious nature, in which the Portuguese government was the first offended against and her subjects sufferers; a deed, the accomplishment

of which the Portuguese authorities, notwithstanding the aggravated circumstances, used every means in their power to prevent.

Requesting you to bring the matter referred to to the knowledge of your government, I avail myself, with much satisfaction, of this occasion to renew the assurances of my most distinguished consideration.

God preserve you!

Office of the Minister of State for Foreign Affairs, the 3d of August, 1843.

JOSE JOAQ'M GOMES DE CASTRO.

Gen. WASHINGTON BARROW, &c., &c., &c.

*Samuel C. Reid, jr., to Mr. Upshur.*

NEW ORLEANS, November 24, 1843.

SIR: I last had the honor of being advised by the Department of State, in the case of the brig General Armstrong, in a letter from the deceased and much lamented honorable H. S. Legaré, dated 17th of May last. I was then informed that no final reply had been received by Mr. Barrow, the late chargé at Lisbon, from the Portuguese government, at his latest date, 20th of March. I desire to be informed if later despatches have been received by the department from Mr. Barrow in regard to the above case, and what may be the nature of the same.

I perceive that Mr. Abraham Rencher, of North Carolina, has succeeded Mr. Barrow to the legation at Lisbon. I respectfully request, if Mr. Barrow has not succeeded in obtaining a definite reply from the Portuguese government, that Mr. Rencher may receive instructions for the further prosecution of this claim.

I take this occasion to inform the department that I have removed my residence from Natchez to this city.

I am, sir, respectfully, your obedient servant,

SAMUEL C. REID, JR.

*Mr. Upshur to Mr. Reid.*

DEPARTMENT OF STATE,

Washington, November 26, 1843.

SIR: I have to communicate to you a copy of the reply of the minister of foreign affairs at Portugal, in answer to the several notes addressed to the Portuguese government, by our representative at that court, on the subject of the destruction of the brig General Armstrong, and which you will perceive is unfavorable. Mr. Barrow intimates, in his despatch accompanying this reply, that there is but small hope of inducing a change of opinion.

I am, sir, very respectfully, your obedient servant,

A. P. UPSHUR.

SAMUEL C. REID, JR., Esq.,  
Natchez, Mississippi.

*Samuel C. Reid, jr., to Mr. Upshur.*

NEW ORLEANS, December 15, 1843.

SIR: On the 24th November last, I had the honor of addressing this department, desiring to be informed if any final reply had been received from the Portuguese government, in the case of the brig General Armstrong. Also requesting that the recently appointed chargé at that court, Mr. Abraham Rencher, might receive instructions for the further prosecution of said claim, if Mr. Barrow had not succeeded in obtaining a definite reply from that government. I have now to acknowledge the receipt of your communication of the 26th ultimo, enclosing the reply of the minister of foreign affairs of Portugal in the above case, which I regret to perceive is unfavorable. I am also informed that Mr. Barrow intimates, in his despatch accompanying this reply, that there is but small hope of inducing a change of opinion.

With due deference to this department, I call its serious attention to the reply of the Portuguese government, through its minister of foreign affairs, in relation to this case. His excellency is pleased to express *surprise* on the part of his government that this claim has made its appearance after a lapse of so many years. I need not inform this department that a demand for this claim has been presented and repeatedly urged upon that government for the last twenty years, but which has been evaded by most frivolous excuses, studiously avoiding any definite replication, in which the matter might be brought to an issue; for which fact I refer the department to my letter of the 10th November, 1841, addressed to Mr. Webster, the then Secretary of State, containing an extract of a letter from his predecessor, Mr. Forsyth, to me on this subject. His excellency proceeds, after intimating that "the most exact examinations were made to obtain a thorough knowledge of this case," to set forth a statement of the affair founded upon erroneous testimony, and in which, I am constrained to say, are contained the grossest misrepresentations.

His excellency the minister of foreign affairs states, in his reply, "that the accounts received *all* agree that the American brig, under the pretext that four boats from the said British vessels were approaching her, fired upon them, killed some of the men, and wounded others;" thereby making the brig appear the aggressor, without cause or provocation; when directly the contrary was the fact, and was so alleged in all the statements made at the time. It was known that the British vessels entered the port of Fayal with hostile intentions, and proceeded to carry them out; and *that* very intention and act was *de facto* a violation of the neutrality of the port. For the correctness of this statement, I refer the department to the letter from Mr. John B. Dabney, consul at Fayal, to the department of State, dated 5th of October, 1814, a copy of which I have in my possession, and which states, "the boats were *hailed* repeatedly, and *warned* to keep off." His excellency, in contravention to the averment on the part of the United States, that these boats were armed, and had hostile intentions, states, "it is affirmed on the part of the British government that they only carried *inoffensive men*, who were going ashore from their ships on duty; and that they *casually* met the American brig, which was *preparing to leave* the port of Fayal." For the very opposite of this affirmation, I refer the department to the comments made by Mr. Dabney on this very point, in his letter already alluded to, and from which I submit for your



consideration the following paragraph: "In face of the testimony of all Fayal and a number of respectable strangers who happened to be in this place at the moment, the British commander endeavors to throw the odium of this transaction on the American captain, (Reid,) alleging that he sent the boats merely to reconnoitre the brig, and without any hostile intentions. The pilots of the port did inform them of the privateer the moment they entered the port. To reconnoitre an enemy's vessel in a friendly port, at night, with four boats, carrying, by the best accounts, 120 men, is certainly a strange proceeding! The fact is, they expected, as the brig was warping in, that the Americans would not be prepared to receive them, and that they had hopes of carrying her by a 'coup de main.' If any thing could add to the baseness of this transaction on the part of the British commander, it is want of candor openly and boldly to avow the facts. In vain can he expect, by such subterfuge, to shield himself from the indignation of the world, and the merited resentment of his own government and nation, *for thus trampling on the sovereignty* of their most ancient and faithful ally, and for the wanton sacrifice of British lives." His excellency further maintains that because the American brig fired the first shot, she became the aggressor, and violated the neutrality of the port. Was the brig to remain passive, when menaces of a hostile and flagrant nature were committed upon her, and suffer her men and the vessel to be captured without making a defence?

His excellency, to justify the non-protection of the brig, and the inability on the part of the governor of Fayal to cause a cessation of hostilities, mentions the inefficiency of the forts and soldiery that existed at the time, and in palliation he refers to "the means of persuasion" that the military governor employed to obtain that end, in a correspondence which he carried on with the commander of the British vessels. And here I again beg leave to refer the department to that part of Mr. Dabney's letter touching this point, and to which also his excellency has called the attention of this department. I here submit for your consideration the paragraph referred to. "At nine o'clock in the evening, (soon after the first attack,) I applied to the governor, requesting his excellency to protect the privateer, either by force, or such remonstrance to the commander of the squadron *as would cause him to desist from any further attempt.* The governor, *indignant* at what had passed, but feeling himself totally unable, with the slender means he possessed, to resist such a force, took the part of remonstrating, which he did in forcible but respectful terms. His letter to Captain Lloyd had no other effect than to produce a menacing reply, insulting in the highest degree. *Nothing can exceed the indignation of the public authorities, as well as of all ranks and description of persons here, at this unprovoked enormity.* Such was the rage of the British to destroy this vessel, that no regard was paid to the safety of the town; some of the inhabitants were wounded, and a number of houses were much damaged. *The strongest representations on this subject are prepared by the governor for his court.*"

Now I submit to the department, in view of this testimony, which the Portuguese minister himself mainly relies upon, whether his statements and reasoning are not alike unfounded and unjust. If the American brig was the aggressor, without provocation, why remonstrate with the commander of the British forces, and why the indignant report of the governor to his government? The minister of foreign affairs of Portugal



predicates his argument upon assumptions of fact, in direct violation of the testimony of Mr. Dabney, in which he appeals to all Fayal, and the numerous strangers that were then there, in violation of the sworn testimony of the officers of the brig in their protest, and in violation of the public and indignant manifestations of his own government at that time. It is a principle of international law, that every nation is supposed to be capable of sustaining the neutrality of her ports; and if she is not, or does not, she is nevertheless bound for its violation. Then, in this case, suppose the brig made no resistance; would the governor have been able to protect her, or prevent the violation of the neutrality?

His excellency again replies, that the governor, in not complying with the requisition of the United States consul, for men to defend the said brig, was fearful of being accused of *partiality*, because he *had refused* the commander of the British vessels *assistance to apprehend the American brig!* He further states, the British government, "appreciating the *rashness* with which his officers acted in a neutral port, *against said brig*, without *first recurring to the authorities of the country*, had no hesitation in *apologizing* to the Portuguese government, and *indemnifying* the inhabitants for damages sustained by the *firing of the British vessels.*" Hereby acknowledging that the British did violate the neutrality of their port, and made indemnification for the same.

His excellency here comes to a conclusion, "from an analogy of reasoning" to me most strange and extraordinary, "that instead of being bound for any indemnity for the destruction of the American brig, it would have every motive for asking and expecting an apology for the *attempt* committed in the Portuguese territory by the brig!" because the brig fired the first shot, and the commander did not have recourse to the authorities of the country, "only by the American consul, after the offensive provocation was committed by the said brig." I deem it a matter of supererogation here to explain to the department that it was next to an impossibility to have applied to the authorities for assistance, when the commander of the brig expected an immediate attack, and during the time he was engaged in defending his vessel; when, too, he had been previously assured by Mr. Dabney that no violation of the port would occur. And if that government, at the time, thought we violated the neutrality of her port, why did she not then demand an apology, and make such representations to this government as are *now* alleged by the minister of Portugal?

For a further understanding of the facts of this case I would refer the department to the protest of the commander and officers of the brig General Armstrong, made at the time, against the British and Portuguese governments, and which I think is on file at the department; if not, if requested, I can furnish a copy.

Under these considerations, I submit it to this department—which has always been the earnest advocate and protector of the rights of its citizens—whether the reply received from the Portuguese government in this case is in conformity to any true statement of facts, or if the conclusion is based upon any known principles of reason, law, or equity? I feel confident that the department will not suffer this case to be thus disposed of, in violation of all justice; that it will perceive that it is a case of clear right, and that, after giving such time for further consideration, as in its wise discretion it may deem fit, and redress should still be denied, the

government will feel it incumbent and due to its own honor to make a peremptory demand for satisfaction in the premises.

With the highest consideration, I have the honor to be, sir, very respectfully, your obedient servant,

SAMUEL C. REID, JR.

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*Mr. Upshur to Mr. Reid.*

DEPARTMENT OF STATE,  
Washington, January 10, 1844.

SIR: At the repeated instance of yourself and others interested in the case of the privateer General Armstrong, this government has again and again instructed its representatives at Lisbon to bring the claim to the notice of the government of Portugal. This has been done, and every argument has been employed to induce Portugal to acknowledge the justice of the claim, and to make due reparation. All these efforts, of which you are well aware, have proved unavailing, and the Department of State is unwilling, under all the circumstances, to renew the application, having every reason to believe that all future applications will prove as fruitless as those that are past. Argument and importunity have been exhausted, and this government can see nothing in the circumstance to justify or warrant it in having recourse to any other weapons.

I am, sir, respectfully, your obedient servant,

A. P. UPSHUR.

SAMUEL C. REID, JR., Esq., *New Orleans.*

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*Samuel C. Reid, jr., to Mr. Upshur.*

NEW ORLEANS, January 29, 1844.

SIR: I have the honor to acknowledge the receipt of your official letter, addressed to me under date of the 10th of January, respecting the claim of the owners of the armed brig General Armstrong, destroyed by a superior force of the enemy at the port of Fayal, belonging to the kingdom of Portugal, during the late war with Great Britain.

The bases of this claim to indemnity, from the neutral government of Portugal, within whose dominions the violation of her neutrality was committed by the navy of Great Britain, have been so fully explained, and the facts so fully established on former occasions, that it is deemed unnecessary to refer to them in detail again, for any purpose whatever. I present myself once more before your department as the agent of the claimants, properly authorized to prosecute this claim—to urge most respectfully the considerations which appear to me important, to induce this government not to abandon the case as one hopeless and untenable, but to continue to hold it up to the view of the government of Portugal as one founded in strict justice, and sustained by the plainest principles of national law relating to the duties and obligations of neutral nations in their intercourse with belligerent parties. The wrongs inflicted on an American citizen or a foreign nation, in violation of public law, can only be

redressed through the interposition of this government; and in such cases, the blow aimed at the national honor ought to be repelled, whether the injury operates on the multitude or on a single citizen; and to submit to such wrongs, in either case, is a humiliation to which it is believed the authorities of the United States will never consent to submit. On this ground, I hope I shall be pardoned for trespassing so far on your attention as to reply very concisely to your communication, which seems to express your determination to permit this claim to rest where it has been placed by the government of Portugal.

You are pleased to say that "*argument and importunity* have been exhausted, and this government can see nothing in the circumstance to justify or *warrant* it in having recourse to any other weapons." Allow me, with great deference to the conclusion at which you have arrived, to state that, as the injured party, I do not deem it proper or just to repose, in vindication of the rights of the claimants to indemnity, for the destruction of the brig General Armstrong, from the neutral government in whose port the outrage was committed by the navy of Great Britain, on "*argument and importunity*," but on facts which have not been controverted, and which are undeniable, in support of the claim. The laws and usages of civilized nations unite in fixing on the Portuguese government the high obligation in making good all loss sustained by the capture of the General Armstrong, while under the protection of a neutral port in her dominions, provided it is shown that the neutrality of such port was violated by the commander of the British fleet, and not by the American brig, which was in the enjoyment of the hospitality and security of the authorities of that government. This principle being admitted, (which I think will not be controverted,) it only remains to be inquired on which side the violation of neutrality occurred. On this point I undertake to demonstrate, by the admissions of the government of Portugal, and by the positive declarations of that of the United States, solemnly made by the Department of State and legislative reports, that the breach of neutrality was committed by the British navy; and that, after a gallant defence, almost unparalleled in the history of naval warfare, the brig was captured and destroyed. The archives of your department will show the light in which this untoward transaction was viewed by the Executive at the moment of its occurrence. I will not comment on them. But it further appears, by a report of the Naval Committee of the Senate of the United States, made in January, 1817, only a few years after the brig was destroyed, that, in denying the responsibility of this government out of its own treasury, to indemnify claimants of this description, the committee proceed to say: "It is the right of the citizen to make known his wrongs to his government, and it is the duty of his government to seek redress by such means as it may deem expedient. The neutrality of Portugal was grossly violated in the case of the private armed brig General Armstrong. It was the duty of that government to preserve her neutral character, and to protect the brig, and all on board, from any hostile attack while in her port." Here, then, is the positive allegation made in the Senate of the United States, and affirmed by a vote of that body, that "the neutrality of Portugal was grossly violated" by the British navy in the destruction of this brig; and, further, a declaration of the opinion of that body that "it was the duty of the government of Portugal to protect the brig, and all on board, from any hostile attack while in her port."

So far, then, as the government of the United States is concerned, the breach of neutrality is expressly charged on the government of England; and the responsibility of the government of Portugal for all loss occasioned by such breach is expressly averred. Will this government, under any circumstances, recede from the high ground thus taken, and surrender the just claim of her citizens on the offending nation for indemnity, because "argument and importunity" have been exhausted in vain to bring that nation to a sense of justice, and induce, by these means only, an acknowledgment of the justice of the claim? This has never yet been done in any instance heretofore, whether the injury was inflicted on a single individual or on large masses of American citizens. The lapse of years has never been considered an abrogation of the just claims of American citizens to indemnity for injuries done to them by foreign nations; and many cases may be cited which are doubtless familiar to you, where, at the expiration of more than thirty years, during which time "argument and importunity" had been resorted to in vain to bring the offending nation to reason, such claims have been ultimately recognised, and full indemnity made to the claimants. This is true as well in relation to the claims of a single individual, as of the commercial community generally. The claims of citizens of the United States against the government of France, for property seized in violation of the law of nations, were rejected by that government for more than thirty years, after the most earnest appeals made to its sense of justice by our able representatives at that court, from time to time, during this whole period; and yet these claims are never surrendered, but, ultimately, suitable provision was made for their liquidation, by treaty between the two governments. It is remarkable, also, that Mr. Brown, one of our ministers at that court, informed this government, in an official despatch, that he had declined urging these claims further on the attention of the French government, because he deemed any further attempt to make an arrangement for their settlement and adjustment utterly hopeless; and yet they were provided for by the perseverance of our representatives at the court of France, in the year 1832. May not the isolated claim of the sufferers by the destruction of the brig General Armstrong be successfully provided for by a like perseverance on the part of this government? The same may be said of the claims of our citizens, on similar grounds, on the governments of Spain and Naples; all of which have been ultimately provided for, after the most obstinate and persevering refusals on the part of those governments to acknowledge the claims for a long series of years. I make these suggestions in the hope that you may be induced to reconsider the determination intimated in your letter of the 10th instant; and, in some form or other, renew the demand on the government of Portugal for indemnity to the owners of the brig General Armstrong, captured and destroyed in her port by a violation of her neutral relations to the two belligerents.

I have said that, by the admissions of the government of Portugal, the breach of neutrality was committed by the British naval commander; and in this I am supported by the evidence of the authorities of Fayal, and even by the communication of the minister of foreign affairs, José Joaquim Gomes de Castro, in his letter of the 3d of August, 1843, which seems to have closed the correspondence on this subject. The governor of Fayal made no complaint to the commander of the brig General Armstrong, while these aggressions were in progress, that he had violated the neutrality of the port,



but addressed himself to Captain Lloyd, remonstrating against his proceeding, which was answered by the British commander in menaces calculated to awe the governor into submission to his determination to capture the brig. The island having but a small military force, was unable to resist the powerful British fleet in the harbor of Fayal, and therefore left the commander of the fleet to take such course as he might think proper to carry into effect his avowed purpose of capturing the brig. All these facts are shown in the official communication of Mr. Dabney, to which he adds, that a strong remonstrance was made by the governor to the government of Portugal against the British commander for a violation of the neutrality of the port. This, as Portuguese evidence, corresponds with the protest of Captain Reid and his officers, and all the other testimony which has been taken in this case; but the minister of Portugal, in his official letter to the American representative, in defiance and in the face of these facts, undertakes boldly to aver that the breach of neutrality was committed by the American brig, she having, in her own defence, fired on the approaching naval armament, sent into the port of Fayal for the purpose of capturing the brig. The whole of this official letter is contradicted by the evidence in the possession of the Portuguese government, and also on file in the Department of State of the United States. The letter is nothing more nor less than a futile attempt, by an assumption of facts not sustained by any evidence whatever, to evade the responsibility which his government had incurred in the transaction to which it relates. It is, however, here remarkable that this minister, in his zeal to implicate the American government as the aggressors in the violation of the neutrality of her port, has stated facts which are of themselves a sufficient acknowledgment that the British naval commander was the aggressor, and which I referred the department to in my letter of the 15th of December, 1843, and now again beg leave to call its attention to it. He states "that the government of his Britannic Majesty, appreciating the rashness with which his officers acted in a neutral port against said brig, without first recurring to the authorities of the country, had no hesitation in apologising to the Portuguese government, and indemnifying the inhabitants of Fayal for damages sustained by the firing of the British vessels." Whether this apology and indemnification was made on the demand of the government of Portugal, or was voluntary on the part of the British government, is not stated by the minister of Portugal; but, in either case, it involves a clear recognition of the fact, that the British were the aggressors. If the reparation was the result of a demand, which is most likely, it commits both governments in the acknowledged outrage committed by the British commander; but, if it was a voluntary act of the government of Great Britain, it is a still stronger acknowledgment that they were the aggressors; and therefore bound to make reparation to the government of Portugal by an apology, and to the inhabitants of Fayal, who had sustained damages by their unwarrantable attack upon the brig. There is no escape from the conclusions thus drawn from the official letter of the Portuguese minister.

This letter, so far as I am informed, feeble and equivocal as it is, has not been answered by the representative of this government at Lisbon. I respectfully ask, ought not a suitable answer to the fallacies and admissions of this closing communication of the minister of Portugal to be made with as little delay as possible? Such an answer would leave the



claim where it stood, subject to be renewed at any future day ; but a total silence on the part of this government will strongly imply an acquiescence in the unjust views presented by the Portuguese minister, and operate greatly to the prejudice of the claimants, should the claim be again urged under better auspices.

In making to you this communication, I beg you to be assured that I have the utmost confidence in your disposition to do full justice to the claimants, who have so long and so unjustly suffered by the refusal of the government of Portugal to make reparation for the injuries which they have sustained by this outrage on public law and their acknowledged rights. All I now ask is, that the letter of the minister of Portugal may receive, by instructions from your department, a proper reply and animadversion, and that the claim may be left in a situation of perpetual demand on that government for the indemnity to which the claimants are so justly entitled at its hands.

I have the honor to be, sir, very respectfully, your obedient servant,  
SAML. C. REID, JR.

Hon. A. P. UPSHUR,  
*Secretary of State, Washington.*

*Samuel C. Reid, jr., to Mr. Calhoun.*

NEW ORLEANS, April 21, 1844.

SIR: On the 29th of January last, I had the honor of addressing the department in reply to the communication of the late Secretary of State, Mr. Upshur, dated the 10th of January, in which he declined making any further efforts against the Portuguese government for indemnifying the owners of the private armed brig General Armstrong, destroyed in their port of Fayal, by the British, in 1814. To my last letter (resulting, I presume, from the death of Mr. Upshur) I have received no reply, and in which I solicited a reconsideration of the matter, and desired that the letter of the Portuguese minister might receive a proper answer for reasons which I have fully set forth in my last communication.

I most respectfully call your attention to it, as it is of vital importance to the claimants that some reply should be made by this government to the letter of the Portuguese minister at as early a day as possible, lest that government may construe the silence on the part of the United States into an abandonment of the claim, to the great detriment and prejudice of the claimants, and which will have a tendency to bar them forever of their just and lawful rights.

I am, sir, very respectfully, your obedient servant,

SAML. C. REID, JR.

Hon. JNO. C. CALHOUN,  
*Secretary of State, Washington.*